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Our Ref. AKS/ERS1

Equality/Rights & Social Need Division  
OFMDFM  
Room E13.19  
Castle Buildings  
Stormont  
Belfast  
BT4 3SR

Dear Sir or Madam:

Ref.

Consultation on the Proposal Commissioner for Older People

[REDACTED] [REDACTED]

I refer to the above and our telephone conversation. Please find enclosed our views on the consultation on the current proposal and draft for establishing a Commissioner for the Older People and oblige.

I hope you find them in order. We at the Indian Community Centre always support any initiative for the welfare and the benefits of our Older Generation. You may or may not be aware that Indian Community has been living in Northern Ireland since 1920 and we have a large number of Older People. They contributed to this country a lot and now it is out turn to look after them.

Please do not hesitate to contact us for any further discussion or information your department requires in future.

Thanks

Yours Sincerely

[REDACTED]

# A Commissioner for Older People in Northern Ireland

*a strong independent voice for older people*

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## Questionnaire

1. Do you agree with the need for a Commissioner for Older People?

(See Chapter 1, Paragraph 1.4 and Chapter 2)

YES. WE DO AGREE WITH THE NEED OF A COMMISSIONER FOR OLDER PEOPLE

2. The United Nations Principles for Older Persons are set out in full at Annex 1 of this document. They are: Independence, Participation, Care, Self-fulfilment, and Dignity. (See Chapter 3, Paragraph 3.2).

Do you think the Commissioner should take account of the UN Principles for Older Persons whenever he or she is deciding:

- a. How to act?
- b. What constitutes the interests of older people?

Yes, this is very important that **the Commissioner should take account of the UN Principles for Older Persons whenever he or she is deciding:**

- a. How to act?
- b. What constitutes the interests of older people?

This will enable the Commissioner to with in the guideline of the rest of the country and world.

**3. What age range do you think the Commissioner should mainly cover?**

**The Commissioner should mainly cover any body above 60 and some time may be 55+ depend on the circumstances.**

**4. Do you think that the Commissioner should be able to provide his or her services to people aged 50 years and over in certain circumstances? (see Chapter 6, Paragraph 6.6)**

**Yes! The Commissioner should be able to provide his or her services to people aged 50 years and over in certain circumstances**

**5. Do you think that the age range of the people that the Commissioner caters for should be able to be changed? (see Chapter 6, Paragraph 6.8)**

**Yes, the age range of the people that the Commissioner caters for should be able to be changed.**

**6. Do you think that the Commissioner should have a Principal Aim to safeguard and promote the interests of older people? (see Chapter 7, Paragraph 7.1)**

**Yes, the Commissioner should have a Principal Aim to safeguard and promote the interests of older people**

7. When dealing with the case of a particular older person, do you think that the Commissioner should have as a paramount consideration the interests of that older person? (see Chapter 7, Paragraph 7.1)

**Yes, when dealing with the case of a particular older person, the Commissioner should have as a paramount consideration the interests of that older person**

8. Do you have any other suggestions about what the Principal Aim and Paramount Consideration should be?

**The Principal Aim and Paramount Consideration of the Commissioner should be the utmost welfare of the older person/s.**

9. Do you think the Commissioner's role and functions should be based on the interests of older people? (Chapter 7, Paragraph 7.4)

**Absolutely, the Commissioner's role and functions should be based on the interests of older people and nothing else.**

**10. Do you agree that the duties proposed (listed in Chapter 8, Paragraph 8.5) are suitable for a Commissioner for Older People?**

**Yes, the duties proposed (listed in Chapter 8, Paragraph 8.5) are suitable for a Commissioner for Older People, but should be reviewed periodically as suitable and necessary.**

**11. Are there any other duties not included that you believe it would be essential for the Commissioner to carry out?**

**We think these duties are essential at present for the Commissioner to carry out. As mentioned earlier these should be reviewed from time to time and if necessary should be added.**

**12. Do you think the Commissioner should have memoranda of understanding or working protocols with other organisations? (see Chapter 9, Paragraph 9.4 – 9.6)**

**Yes, like any other organisation or department, the Commissioner should have memoranda of understanding or working protocols with other organisations**

**13. Do you agree with the general powers proposed for the Commissioner? (see Chapter 10, Paragraph 10.2) If not, please explain.**

**Yes, we agree with the general powers proposed in chapter 10, paragraph 10.2 for the Commissioner.**

**14. Are there any other general powers that you think the Commissioner would need? That is, do you think that there is anything else the Commissioner would need to be able to do?**

**The general powers, the Commissioner have are sufficient to do his/her job at present. They can be reviewed in time.**

**15. Due to the potential for a conflict of interest (see Chapter 10, Paragraph 10.7) we are not currently proposing that the Commissioner should have powers of mediation or arbitration, however we are interested in your views on the following potential options:**

- a) If it is possible, should the Commissioner be able to provide financial assistance towards the cost of mediation in a dispute involving an older person?**
- b) Should the Commissioner hold a register of mediation/arbitration services and be able to direct older people to these services?**
- c) Do you think the Commissioner should have the power to “make arrangements” with any other person to provide mediation/arbitration services in relation to disputes involving older people?**

**Finally, in what circumstances do you think that mediation or arbitration would be appropriate?**

**The circumstances that mediation or arbitration would be appropriate should be based on the utmost welfare of the older person.**

**16. Do you agree that the Commissioner should have the specific powers to review in general and individual cases, the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities? (See Chapter 11, Paragraph 11.5)**

**Yes, we agree that the Commissioner should have the specific powers as mentioned in chapter 11, paragraph 11.5 to review in general and individual cases, the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities.**

**17. Do you agree that the Commissioner should be able to provide assistance (e.g. offer support, guidance and/or funds) to an older person with their complaint against a relevant authority? (See Chapter 11, Paragraph 11.8)**

**Yes, we agree that the Commissioner should be able to provide assistance (e.g. offer support, guidance and/or funds) as mentioned in Chapter 11, Paragraph 11.8 to an older person with their complaint against a relevant authority**

**18. In relation to relevant authorities, do you think there are any other formal or specific powers (in addition to those outlined in Chapter 11, Paragraphs 11.5 – 11.14) that the Commissioner would need?**

**The Commissioner has enough powers to start with but they should be reviewed from time to time.**

19. What do you think the Commissioner should be able to do if a relevant authority (see Annex 6) does not follow the Commissioner's recommendations? (See Chapter 11, Paragraphs 11.16 – 11.21)

If a relevant authority does not follow the Commissioner's recommendations, the Commissioner should have a statutory power to get his/her recommendation forced and act upon.

20. In Chapter 11, Paragraph 11.23 we set out the reasons why the Commissioner should not act in any case where an existing organisation already has the power to act. What do you think about this?

We think Commissioner should not act in any case where an existing organisation already has the power to act because this will create a clash of interest and undermine the Commissioner's and the relevant organisation ability to function properly.

22. Are there any other organisations that you believe should be included in Annex 6 as relevant authorities?

Not at the moment no other organisations should be included in Annex 6 as relevant authorities

23. If you answer yes to question 22, can you explain why they should be included?

n/a

**24. Of the three potential options, outlined in Chapter 11, Paragraph 11.39, regarding the extent of the Commissioner's powers in relation to relevant authorities, which do you consider to be the most appropriate and why?**

**regarding the extent of the Commissioner's powers in relation to relevant authorities, number 3 should be consider to be the most appropriate as this make the authorities accountable.**

**25. Do you have any other suggestions in relation to question 24?**

**Only other suggestions in relation to question are that all the nursing home should be included in this as well.**

**26. Do you agree that the Commissioner should be able to take or support legal cases? (support includes providing financial support) (See Chapter 12, Paragraph 12.1)**

**Yes, we agree that the Commissioner should be able to take or support legal cases. This support should include providing financial support.**

27. As explained in Chapter 12, Paragraph 12.4, it is very unlikely that the Assembly will be able to give the Commissioner "victim standing" for Human Rights cases. What is your view of the Commissioner having "victim standing", that is being able to take Human Rights cases in his or her own name?

The Commissioner should be given "victim standing" for Human Rights cases. The Commissioner should be able to take Human Rights cases in his or her own name?

28. Regarding Chapter 13, what are the main issues that you think the Commissioner should be able to speak out about?

We think the Commissioner should be able to speak out about the wellbeing of older persons. This should be based on Non Racial/Religious and other differences.

29. Do you agree that the Commissioner should be a full-time paid post?

Yes. We agree that the Commissioner should be a full-time paid post

30. Who should be responsible for appointing a Commissioner for Older People? (See Chapter 14, Paragraph 14.6)

First Minister and the deputy First Minister should be responsible for appointing a Commissioner for Older People

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

(See Chapter 14, Paragraph 14.7 – 14.8)

**Yes, older people must have a role in the recruitment/selection process for a Commissioner**

**32. If you answered yes to question 31, how should it be done? (see Chapter 14, Paragraph 14.7 – 14.11)**

**It should be done on mandate from the bodies looking after the older people.**

**33. How long should the term of appointment for the Commissioner be? (See Chapter 14, Paragraph 14.15)**

**The term of appointment for the Commissioner should be 3 years + 2 years extension. It should be performance related.**

**34. Should the Commissioner be eligible for reappointment? (See Chapter 14, Paragraph 14.15)**

**Commissioner should only be eligible for reappointment if performance is good.**

**35. Do you agree with the proposal that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM? (See Chapter 14, Paragraph 14.16)**

**Yes we total agree with the proposal that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM. This is an integral part of the OFMDFM.**

**36. Do you agree that the Commissioner should be accountable to the Department /body that provides his or her funding (i.e. OFMDFM)? (By accountable we mean report on his or her actions and how the Commissioner's office allocates and spends his or her budget). (See Chapter 14, Paragraph 14.17 – 14.20)**

**Yes, like any other body funded by OFMDFM, the Commissioner should be accountable to the Department /body that provides his or her funding (i.e. OFMDFM).**

**37. To achieve accountability of the Commissioner to older people, do you think that older people should be consulted (and informed) about the priorities of the Commissioner and what the Commissioner does? (See Chapter 14, Paragraph 14.21 – 14.22)**

**To achieve accountability of the Commissioner to older people, this is very important that older people should be consulted (and informed) about the priorities of the Commissioner and what the Commissioner does?**

38. The Age Sector Report<sup>1</sup> recommended that the, “Commissioner should have an active relationship with, but be demonstrably independent from, stakeholder organisations.” Do you agree with this statement?

Yes we agree with this state ment. “Commissioner should have an active relationship with, but be demonstrably independent from, stakeholder organisations.”

39. If you answered yes to question 38, how do you think this should be achieved?

This might be achieved through for example the Commissioner, once in post, establishing an Older People’s stakeholder Panel or perhaps by regular liaison with the reinstated Older People’s Advisory group or working closely with the established age sector groups. Another way to achieve this might be to include the need to liaise regularly with the sector both as part of the personnel specification and the job description for the Commissioner

40. The Age Sector Report<sup>2</sup> recommended that there should be “an infrastructure of champions in government and across the public sector, with visible leadership demonstrated at Ministerial level, to work with” the Commissioner “in promoting and protecting older people”. Do you agree with this recommendation? (Chapter 14, Paragraph 14.23)

Yes, we agree with this recommendation.

<sup>1</sup> *A Commissioner for Older People in Northern Ireland -: A Report and Recommendations from the Age Sector*, February 2009. Recommendation 9 (page 18).

<sup>2</sup> *A Commissioner for Older People in Northern Ireland -: A Report and Recommendations from the Age Sector*, February 2009. Recommendation 8 (page 18).

**41. If you answered yes to question 40 – how do you think they will improve the lives of older people?**

There have been some suggestions that to ensure effective engagement and inclusion of older people there should also be a formal regional network or an infrastructure of older people's champions across the public sector

**42. It is good practice for every organisation providing services to the public to have a complaints procedure. Do you think the Commissioner should have one? (See Chapter 14, Paragraph 14.24- 14.26)**

Like any other good organisation, it is good practice for every organisation providing services to the public to have a complaints procedure. Therefore, the Commissioner should have one as well.

**43. Do you agree that the Commissioner should be able to recommend the legislation should be changed? (See Chapter, Paragraph 14.27)**

Yes, we agree that the Commissioner should be able to recommend the legislation should be changed. That is why we need this commissioner.

**44. If you answered yes to Question 40, how often do you think the Commissioner should be required to examine the legislation? (See Chapter 14, Paragraph 14.28)**

- A. Every 3 years.
- B. Every 4 years.
- C. Every 5 years.

**The Commissioner should be required to examine the legislation every 3 years.**

**45. How can the Older People's Commissioner demonstrate value for money? (See Chapter 15, Paragraph 15.6 – 15.7)**

**Older People's Commissioner demonstrates value for money through the performance and its involvement in old people's welfare.**

**46. Do you agree that, where possible, the Commissioner should share back office services (e.g. administrative costs or accommodation) with other Commissions to help to save public money? (See Chapter 15, Paragraph 15.8 – 15.10)**

**Yes, we agree that, where possible, the Commissioner should share back office services (e.g. administrative costs or accommodation) with other Commissions to help to save public money, especially in these financial restraints and recession.**

### **Impact Assessments**

Finally, further to these proposals a Draft Integrated Impact Assessment has been completed. A summary is attached at Annex 2 and the full assessment is available on request or on our website at:

[www.ofmdfmi.gov.uk/index/equality/age](http://www.ofmdfmi.gov.uk/index/equality/age). We would be very grateful for your views on this material.