

# 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)

Absolutely not. Within the INTO, a teachers organisation, all 7,000 members of all ages there is neither strong support nor a feeling of need for a Commissioner for Older People. INTO does not see the necessity for this appointment. INTO is sceptical about the appointment of other Commissioners in other areas by OFMDFM.

### **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?

INTO fully supports the United Nations Principles for Older Persons. INTO notes that these Principles do not advocate the appointment of a Commissioner for Older People.

INTO reiterates its opposition to an appointment of such a Commissioner.

The interests of Older People are encapsulated within the United Nations Principles.

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

The age range should be 60 plus.

**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)**

No as outlined in this consultation the most common issue for people in the 50 plus age group is age discrimination related to employment. INTO is of the view that rather than appointing a Commissioner for Older People, the role of the Equality Commission could be extended to perform additional roles similar to the Stockholm Ombudsman.

**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)**

No.

**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)**

No. INTO refers again to our response to question 4.

**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)**

No.

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

No.

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

INTO is opposed to the appointment of a Commissioner.

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

INTO does not agree. The NICCY model is hardly an exemplar for good practise. The Welsh model seems more sensible. The outlined duties are unlikely to make any meaningful impact in the lives of older people.

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

No.

**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)**

INTO is opposed to the appointment of a Commissioner. There would be no necessity for a statutory requirement for collaborative working with other organisations if there was no Commissioner. It is a nonsense that separate offices and staffing arrangements are being proposed for this Commissioner, the Children's Commissioner, the Commission for Victims and Survivors and the Human Rights Commission. In a place as small as Northern Ireland the creation of such separate offices is an expensive luxury. All of these offices should have integrated back up preferably under the aegis of the Equality Commission.

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

No. INTO is of the view that this role would be better performed by extending the functions of the Equality Commission.

**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?**

No.

**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?**

Mediation and arbitration is already an expertise of the Labour Relations Agency and the Equality Commission. This experience should be developed and extended rather than creating a Commissioner and giving that person powers of mediation or arbitration.

**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)**

No. These powers should be incorporated into the Equality Commission.

**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)**

No. INTO supports the role of the Equality Commission being extended to perform this function.

**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?**

No.

**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)**

INTO would oppose the extension of further powers and supports the views of the Parliamentary Assembly of the Council of Europe (para 11.2 1)

**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?**

This is entirely sensible. It highlights the case for an existing body like the Equality Commission to perform these functions.

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

No.

**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?**

Option 3 is better as it provides the most effective coverage inside the context of INTO's opposition to the appointment of a Commissioner.

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

No.

**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)**

INTO agrees with support for legal cases.

**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?**

INTO is opposed to the Commissioner having "victim standing".

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

Any matter.

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

No. INTO is specially opposed to the creation of another separate office, with related staffing and accommodation costs and deplores the lack of specificity in relation to costs in general, staffing and accommodation arrangements in this consultation.

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

No one.

**31. Should older people have a role in the recruitment/selection process for a Commissioner?**  
(See Chapter 14, Paragraph 14.7 – 14.8)

N/A

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

N/A

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

INTO remains opposed to the appointment of a Commissioner.

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

No see above response.

**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)**

No. Throughout our response INTO puts forward the view that the proposed role and functions should be subsumed into the Equality Commission with an expanded remit.

**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.

**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)**

No. All people should be consulted and informed.

**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.

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

Through subsuming the role into an already established professional organisation such as the Equality Commission.

**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.

<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?**

They won't.

**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)**

The good practise is self-evident.

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

No.

**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.

N/A

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

It is impossible for an Older People's Commissioner to demonstrate value for money.

**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. However it is a scandal that such an office is being created during a period of severe public expenditure cuts in both recurrent and capital budgets.

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