



NIASW RESPONSE

DHSSPSNI A Commissioner for Older People In Northern Ireland

The Northern Ireland Association of Social Workers is part of the British Association of Social Workers, which is the largest professional association for social workers in the UK. The Association has over 12,000 members employed in frontline; management, academic and research positions in all social care settings.

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A Commissioner for Older People in Northern Ireland

a strong independent voice for older people

Questionnaire

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

(See Chapter 1, Paragraph 1.4 and Chapter 2)

BASW (NI) agrees with the need for a commissioner for older people whom should be a voice for older people and impact on their lives positively by influencing policy challenging service delivery and raising awareness.

The role of the commissioner in promoting positive aspects of aging also an important remit for this role.

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?

These principles are congruent with the BASW *Code of Ethics* and with the value base of all registered social workers. It would be appropriate for the commissioner to take account of the UN principles when deciding how to act and in what constitutes the interests of older people.

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

The commissioner should cover the age range of 60 and over.

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)

For certain circumstances and issues it would be appropriate for the commissioner to provide services for people over 50 years.

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, there should be a legislative means for the age range 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, NIASW would be supportive of a principal aim to safe guard 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, this is essential as a paramount consideration.

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)

Yes, as the consultation document indicates this term is legislatively broad enough to include rights and needs.

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

NIASW is in support of the duties proposed and would agree they are suitable for a commissioner for older people.

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

None apparent. Outline of duties is comprehensive and wide ranging.

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, this would be needed.

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

NIASW would agree with the general powers proposed 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?

None are apparent.

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?

All these options would appear to be appropriate.
Mediation and arbitration would be appropriate when formal processes such as a complaint procedures have been utilised but unresolved issues remain for 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 would agree that these powers are appropriate.

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, the Commissioner should be able to provide assistance to an older person making a 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?

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)

Would support the concept that the Commissioner should be neutral. The role highlighted in the document is sufficient.

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 the most appropriate method to avoid complexity and to simplify and improve cooperation and delivery.

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?

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?

The 3rd option would be the most appropriate. Specifically in relation to older people who pay privately for residential or nursing care. Otherwise there is a group of older people within Northern Ireland that the Commissioner's powers do not extend to.

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)

Yes this would be appropriate.

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?

There are other bodies in Northern Ireland such as the Human rights commission that can take on this role.

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

The commissioner should be able to speak out against any issue, which improves the lives of older people in relation to choice rights and equality.

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

Yes.

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

The method highlighted in Chapter 14 is appropriate.

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

(See Chapter 14, Paragraph 14.7 – 14.8)

Yes, this would be necessary

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

The example for recruitment of the Welsh Commissioner would be a good framework.

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

Four years as proposed in the draft bill.

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

Yes, for another term.

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, the Commissioner should be an independent body.

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 , this would be appropriate.

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)

Yes this procedure would be essential.

38. The Age Sector Report¹ recommended that the, “Commissioner should have an active relationship with, but be demonstrably independent from, stakeholder organisations.” Do you agree with this statement?

Yes, the need for the role to be demonstrably independent is important but active partnership with stakeholder groups is essential.

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

Possibly the setting up of an advisory panel or linking into available resources and forums in the age sector.

40. The Age Sector Report² 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)

In principle this would be beneficial, but it may be more appropriate that this infrastructure is developed following the appointment of the Commissioner.

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

² *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?

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)

Yes

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

Yes

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.**

As highlighted in 14.28, every three years would be appropriate.

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

Methods highlighted in 15.6-15.7 are all appropriate in demonstrating 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 there is a need to be as cost effective as possible.

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.ofmdfmini.gov.uk/index/equality/age. We would be very grateful for your views on this material.