

# **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. The Patient Client Council has noted the strongly expressed views of the older people's groups in Northern Ireland that a Commissioner is required.**

**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 are important principles and should be taken into account by the commissioner in all aspects of their work.**

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

The PCC recognises the difficulties in defining older people. We agree that this should mainly be at age 60 in common with arrangements in work and the UN.

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.

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.

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. It appears that it would provide clarity on the commissioner's role to have a principle aim.

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.

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.

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

Yes.

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)

Yes.

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

Yes.

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. The powers appear to be appropriate.

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?

- A) This may be appropriate in some circumstances. Any decision on this should be viewed in the context at what is currently available. For example, the HSC complaints process has the facility to use conciliation as part of the process.
- B) Yes. This appears to be useful and appropriate.
- C) Again, this probably needs to be viewed in the context at what systems are already in place.

**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)

**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)

If there is a strategic element to a case, this maybe useful. There would need to be a fit with the work at the equality commission.

**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)

The powers set out appear to offer the opportunity to apply moral pressure and influence. This is probably the most appropriate.

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 appears to be appropriate. From a public perspective, it is important that there is clarity and no duplication. The Commissioner will require to work closely with other relevant authorities to influence them.

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?

Option 3 would be the most appropriate. Older people paying their own fees for nursing or residential care are amongst the most vulnerable client group.

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, in relation to cases of strategic importance.

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?

It is likely that any case would be in relation to a specific older person.

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

This is likely to be devolved areas such as health, housing, transport etc. However, the Commissioner will need to be able to raise excepted matters such as taxation.

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)

Older people should be involved in the recruitment and selection process. An Advisory Panel approach such as used by NICCY appears to be an inclusive methodology.

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

**Yes.**

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

**Similar to NICCY process.**

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

**3 or 4 years to be renewable once.**

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

**At the end of the first 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.

**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)**

Yes.

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?

The age sector is an active and well structured community of interest. The Commissioner is likely to require a range of mechanisms to ensure broad input into their work.

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?

Older people should become more visible to government authorities and the public generally. By focusing on specific priorities real benefits should be deliverable.

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.

C. Every 5 years

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

By focusing on agreed principles and delivering clear outcomes.

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. This should also support joint working as well as delivering efficiency.

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