



Commissioner for Older People Legislation Team  
Equality Rights and Social Need Division  
Office of the First Minister and Deputy First Minister  
Room E3.18 Castle Buildings  
Stormont Estate  
Belfast BT4 3SR

7<sup>th</sup> January 2010

Dear Sir or Madam,

**Consultation on a Commissioner for Older People in Northern Ireland**

The United Kingdom Homecare Association (UKHCA) is a professional association of homecare providers from the private, voluntary, not-for-profit and statutory sectors. Our Association represents over 1,800 homecare providers across the United Kingdom and includes 32 member organisations in Northern Ireland.

We aspire to the development of a thriving independent sector alongside those services provided by the Health and Social Care Trusts. Most recently, DHSSPS has estimated that 51% of all publicly funded homecare in Northern Ireland is delivered by the independent homecare sector.<sup>1</sup> Therefore the goal of achieving high quality and high satisfaction with homecare services cannot be achieved without public sector investment in the services that the independent sector provides on its behalf. The evidence shows that the Trusts are able to exert a downward pressure on prices and use contracting practices that may save money in the short term, but damage the capacity of the independent sector to plan ahead and invest in services it provides. This downward pressure on costs also exacerbates low pay in the sector.<sup>2</sup>

**Question 1.** UKHCA supports the creation of a Commissioner for Older People, as we believe this provides an opportunity for increased national emphasis and consensus on solutions to address the above issues in homecare. Although these issues have been identified in the Northern Ireland Audit Office Report *Older People and Domiciliary Care* (2007) and in the Public Accounts Committee Inquiry into the above report in 2008, the

<sup>1</sup> Community Information Branch. Department of Health, Social Services and Public Safety. Domiciliary Care Services for Adults in Northern Ireland (2008). [www.dhsspsni.gov.uk/index/stats\\_research/stats-cib/stats-cib\\_pubs/statistics\\_and\\_researchcc7b.htm](http://www.dhsspsni.gov.uk/index/stats_research/stats-cib/stats-cib_pubs/statistics_and_researchcc7b.htm)

<sup>2</sup> National Minimum Wage. Low Pay Commission report. Low Pay Commission (2009). <http://www.lowpay.gov.uk/lowpay/lowpay2009/>

individual appointment of a Commissioner for Older People with duties and powers to advocate and influence policy in relation to a variety of matters affecting older people is welcome.

**Question 10.** We agree with the duties in the Draft Bill that the Commissioner should promote awareness of older people's issues, review the adequacy and effectiveness of the law and practice and services relating to the interests of older people (the latter role in services subject to not duplicating the role of existing regulation), encourage best practice, promote elimination of discrimination and promote positive attitudes towards older people. We also feel it is important the Commissioner has a duty to collect both data and evidence on older people's issues, as it is important that the Commissioner ensures it is informed not by anecdotal or subjective reports but by objective evidence of the issues.

**Question 12.** We agree that the Commissioner should have a memorandum of understanding or working protocols with other organisations. We are particularly mindful of the potential for duplication and competing powers with the Regulation and Quality Improvement Authority in terms of reporting on health and social care issues.

**Question 20.** We are reassured by paragraph 11.22 that the Commissioner's powers of formal investigation and investigation of complaints against relevant authorities (including those providing services on behalf of public authorities) will be limited if there is already an organisation that has responsibility for inspecting those services. In the case of homecare this is RQIA. According to the principles of Better Regulation adopted by the UK Cabinet Office, laws and regulation should not be introduced which would lead to duplication or disproportionate action by the state. Better Regulation principles should ensure that the Commissioner does not act in cases where an existing organisation already has the power to act and we support the drafting of the Bill in this respect.

**Question 24.** The example given, private residential care, is subject to regulation by RQIA and statutory complaints procedures operated through the regulations and standards for care services, and therefore the Commissioner would be limited in its powers in this case. As a principle, the Commissioner's powers in the private care sector would be limited because of the existence of RQIA so we are unsure why there should be a concern that the Bill is drafted to only cover public authorities and services.

Yours sincerely,

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