



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Consultation on the Establishment of a Commissioner for Older People in Northern Ireland
Date:	18th January, 2010
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Relevant Background Information

In December 2007, the then First Minister and the deputy First Minister announced their commitment to work towards the establishment of a Commissioner for Older People. To take this forward Deloitte Consulting was commissioned to prepare a feasibility study which considered the extensive evidence base available and looked at other comparable Commissioner models, focusing on the Children's Commissioner in Northern Ireland and the Older People's Commissioner in Wales. In the interim, an Older People's Advocate was appointed.

The principal aim of establishing a Commissioner for Older People is to safeguard and promote the interests of older people throughout Northern Ireland.

Summary of proposals

To establish a strong independent voice for older people, it is proposed that:

- A Commissioner for older people will be established with a wide range of promotional, advisory, educational, legal and investigatory functions and powers to be deployed in the interests of older people, both generally and individually.
- The Older People's Commissioner may have formal agreements (known as Memoranda of Understanding) with other regulatory bodies so that there is a "joined-up" approach to the interests of older people. Consideration is also being given to whether it is possible or appropriate to have a statutory requirement for collaborative working included in the Draft Bill, or whether the same result could be achieved on a purely voluntary basis by administrative arrangements.
- The Commissioner will be appointed by the First Minister and the deputy First Minister acting jointly, for a term of four years and a Commissioner may serve a maximum of two terms of office.
- Older people will be involved in the process to appoint an Older People's Commissioner.
- The Commissioner will perform his or her role in respect of people over the age of 60.

- The Commissioner will be able to provide assistance (e.g. offer support, guidance and/or funds) to an older person with their complaint against a relevant authority.
- The Commissioner will support legal cases on behalf of older people.
- The Commissioner will have specific powers to review, in general and individual cases, the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities.
- The Office of the First Minister and deputy First Minister will provide funds to the Older People's Commissioner.
- The Commissioner may appoint such staff as he or she may determine and any function of the Commissioner may be exercised by a member of staff who has been so authorised by the Commissioner.

A copy of the Consultation Documentation can be downloaded from www.ofmdfm.gov.uk/index/equality/age/older-peoples-commissioner.htm

Key Issues

A draft response has been prepared to the consultation questionnaire comprising of 46 questions (attached). The key points forming this response are;

- The Council welcomes the proposals for a Commissioner for Older People in Northern Ireland that has sufficient powers to protect the interests of older people. The Council however recommends that promoting the interests of older people should not be to the detriment of the wider population or community.
- The Council welcomes the approach of formal agreements (known as Memoranda of Understanding) with other regulatory bodies so that there is a "joined-up" approach to the interests of older people. The Council asks that synergies are made with the Equality Commission and other Commissioners and that administration costs are kept to a minimum.
- The Council falls within the scope of a relevant authority meaning that a complaint about the Council by an older person can be investigated by the Commissioner. The Council agrees that the Commissioner should be able to provide assistance to an older person with their complaint against a relevant authority, for example offer support, guidance and/or funds. The Council recommends that clear guidance is provided to ensure that internal complaints systems are exhausted prior to formal intervention by the Commissioner and that expectations in relation to financial assistance are carefully managed. The Council is of the view that financial assistance should only be given in special circumstances.
- The Council welcomes the recommendations contained in the Age Sector Report that there should be "champions in government and public sector ...to work with the Commissioner in promoting and protecting older people". The Council however recommends that hierarchical structures and unnecessary costs be avoided in the achievement of this recommendation.
- The Council agrees that back office services should be shared where possible to help minimise the impact on the public purse and recommends that the number of new posts created is kept to a minimum.
- The Council is supportive of the proposal that older people are involved in the process of appointing the Commissioner in line with its recognition of the importance of civic participation by older people.

Resource Implications

None.

Recommendation

It is recommended that the Committee approves the attached response to the Consultation on the establishment of a Commissioner for Older People in Northern Ireland.

Decision Tracking

The Head of Environmental Health will ensure that OFMDFM is provided with a draft response in January, subject to Council ratification in February.

Document Attached

Consultation response to *A Commissioner for Older People in Northern Ireland*.

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