

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)

Belfast City Council welcomes the proposals for an Older People's Commissioner in Northern Ireland that has sufficient powers to protect the interests of older people, uphold their rights and act with urgency in cases of need.

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?

Belfast City Council agrees that the Commissioner should take account of the UN Principles for Older Persons whenever he or she is deciding how to act and what constitutes the interests of older people.

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

The Council agrees that the Commissioner should mainly cover the ages 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)

The Council agrees that the Commissioner should cover the ages 50 and over in exceptional circumstances.

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)

A period of review with potential for change should be factored into the proposals

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)

The Council agrees that the Commissioner should have a Principal Aim to safeguard and promote the interests of older people. The aim should be clear including a clear purpose of what will be involved for the Commissioner. Promoting the interests of older people should not be to the detriment of the wider population or community.

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)

The Council agrees that the commissioner should have consideration for the interests of the older person. The Commissioner should also consider the potential benefits or pitfalls to the whole society in all cases. The Council would ask that a fair and transparent process is adopted in taking into consideration the interests of the wider population/community.

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

The aim should be clear including a clear purpose of what will be involved for the Commissioner.

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.
Consideration for the interests of the wider population/community should also be considered

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)

The Council welcomes the approach to formal agreements with other regulatory bodies so that there is a “joined-up” approach to the interests of older people. The Council suggests that these protocols are clear in order to avoid confusion or duplication. The Council asks that synergies are made with the Equality Commission and other Commissioners and that administration costs are kept to a minimum.

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

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) The Council is not averse to provision of financial assistance however the Council would ask where the funding would come from and what criteria would be applied to ascertain whether funding would be provided. How would this message be communicated and the expectations of this be managed within the older population? The Council would ask that the boundary between the Commissioner's powers and civil action through a court of law is clearly defined.
- b) The Commissioner should hold a register of mediation/arbitration services and be able to direct older people to these services
- c) 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. However the commissioner's independence in these circumstances should not be compromised.

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

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)

The Commissioner should be able to provide assistance to an older person. The Council suggests that internal complaints systems are exhausted previous to Commissioner involvement. Expectations in relation to financial assistance should be carefully managed by the Commissioner. Financial assistance should be given in special circumstances only and clear guidance given for when the Commissioner would be involved.

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 Commissioner should provide support to relevant authorities in following their recommendations. Any punishments should be considered in line with the legal standing of the recommendations and considering the relevant authority's circumstances including resources.

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?

Agree

21. Do you think that the list of organisations at Annex 6 should be included as relevant authorities? (Chapter 11, Paragraph 11.30 – 11.31) Yes

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

Private, Community and Voluntary organisations

23. If you answer yes to question 22, can you explain why they should be included?

In order to benefit from the commissioners powers and independence and scrutiny.

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
All organisations are expected to work to a similar standard, be scrutinised in the same way and gain similar benefits.

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)

The expectations of this needs to be managed and a clear differentiation made between test cases and routine civil action.

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?

The Council is supportive of this principle, but is of the opinion that the legal implications for the Commissioner on this matter should be considered in making a decision.

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

Social inclusion
Age discrimination
Poverty
Services for older people
Healthy ageing

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

The Council agrees in theory subject to funding and the sustainability of the post and support structures.

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

OFMDFM should be responsible for appointing the Commissioner on the basis of a transparent appointment process.

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

(See Chapter 14, Paragraph 14.7 – 14.8)

The Council agrees that older people should be represented in the process for selecting a commissioner. The role for older people in this process should be made clear.

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

In a clear and transparent way to ensure they are clear of the role

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

3 years initially to give the person an opportunity to establish the post and following that the appointment should be subject to review

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

Yes

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)

The Council agrees that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM. The Council welcomes that the Commissioner should have clear links with the Equality Commission and other commissioners and share a consistent approach and potentially resources. Costs need to be kept to a minimum.

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)

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

The Council is in agreement with this statement.

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

Through engagement with older people and by developing synergies with existing organisations and partnerships that facilitate strong representation and advocacy on behalf of older people.

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)

The Council welcomes the recommendations of 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 would not be in support of an unnecessary or cumbersome hierarchical structure being developed or unnecessary costs being incurred in order to achieve this recommendation.

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?

In driving forward the agenda for older people within their respective Departments, organisations and constituencies.

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

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

Yes

43. 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.

The time period should be considered in line with best practice

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

To set clear goals and outcomes and deliver and report on them.

45. 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)

The Council agrees that back office services should be shared where possible to help save public money. Efficiency and effectiveness should be considered in all decisions.

The Council suggests that the Commissioner considers carefully the alignment of the office with other commissioners and avoids creating new posts unless absolutely necessary.

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