

25th November 2015

Department of Justice
Public Legal Services Division
Massey House
Stormont Estate
Belfast
BT4 3SX

Dear Sirs

Re: Access to Justice Part II Review

I write in reference to the above and provide the following consultation response on behalf of the Commissioner for Older People for Northern Ireland.

The Commissioner welcomes the opportunity to comment on the Department of Justice's 'Access to Justice Part II Review'. The Commissioner for Older People Act (NI) 2011 places a duty on the Commissioner to keep under review the adequacy and effectiveness of law and practice relating to the interests of older people. The Commissioner provides this response in accordance with that specific statutory duty.

- (i) **Services for Vulnerable Clients: Recommendation that in the proposed new structure for grant funding, priority should be given to initiatives which protect the rights of children and vulnerable adults, including older people, those with physical or mental disabilities and the homeless.**

The Commissioner welcomes this specific recommendation outlined at paragraph 26.24 of the Independent Report on the Access to Justice Review Consultation.

The Commissioner welcomes the agreement outlined within the report that Equality Impact Assessments need to carefully consider groups such as older people when making strategic decisions regarding legal aid provision.

The Commissioner takes a view that in order to comply with the UN Principles for Older Persons (1991) public authorities and governmental departments should aim to ensure that older persons have access to social and legal services to enhance their autonomy, protection and care. Any proposed new structure for grant funding should therefore give priority, where appropriate, to older people to assist them to participate fully in relevant proceedings.

The Commissioner is keen to ensure that there should be no amendments or changes to existing provisions that will restrict, reduce or prohibit an older person from utilising legal services to protect their human rights or to enhance their autonomy, protection and care. Furthermore, changes to the scope of Legal Aid should not prevent an older person from seeking and obtaining

appropriate legal advice and assistance particularly at the initial stages of an enquiry.

The Commissioner for Older People (NI) Act 2011 provides the Commissioner with a principal duty to protect and safeguard the interests of older people. The recommendation contained within this report, if implemented in full, compliments this duty appropriately.

There is a need to ensure that the rights of our older people are properly identified, advanced and suitably protected through legal proceedings as and when required.

The Commissioner therefore looks forward to the full implementation of this recommendation in due course and hopes to see an overall outcome that protects and supports older people when legal advice or assistance is required.

The Commissioner makes this submission in accordance with her statutory powers and duties contained within the Commissioner for Older People (NI) Act 2011.

If you require anything further or if this office can provide additional assistance please feel free to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Mackell', written over a faint circular stamp.

John Mackell
Legal Officer