

**C O P N I**

Commissioner for **Older People**  
for Northern Ireland



# The Commissioner's Report

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A Summary of Advice  
to Government 2011-2015

The report is available in other languages and formats on request.  
Also available for download at [www.copni.org](http://www.copni.org)



The Commissioner's Report:  
A summary of advice to Government 2011-2015

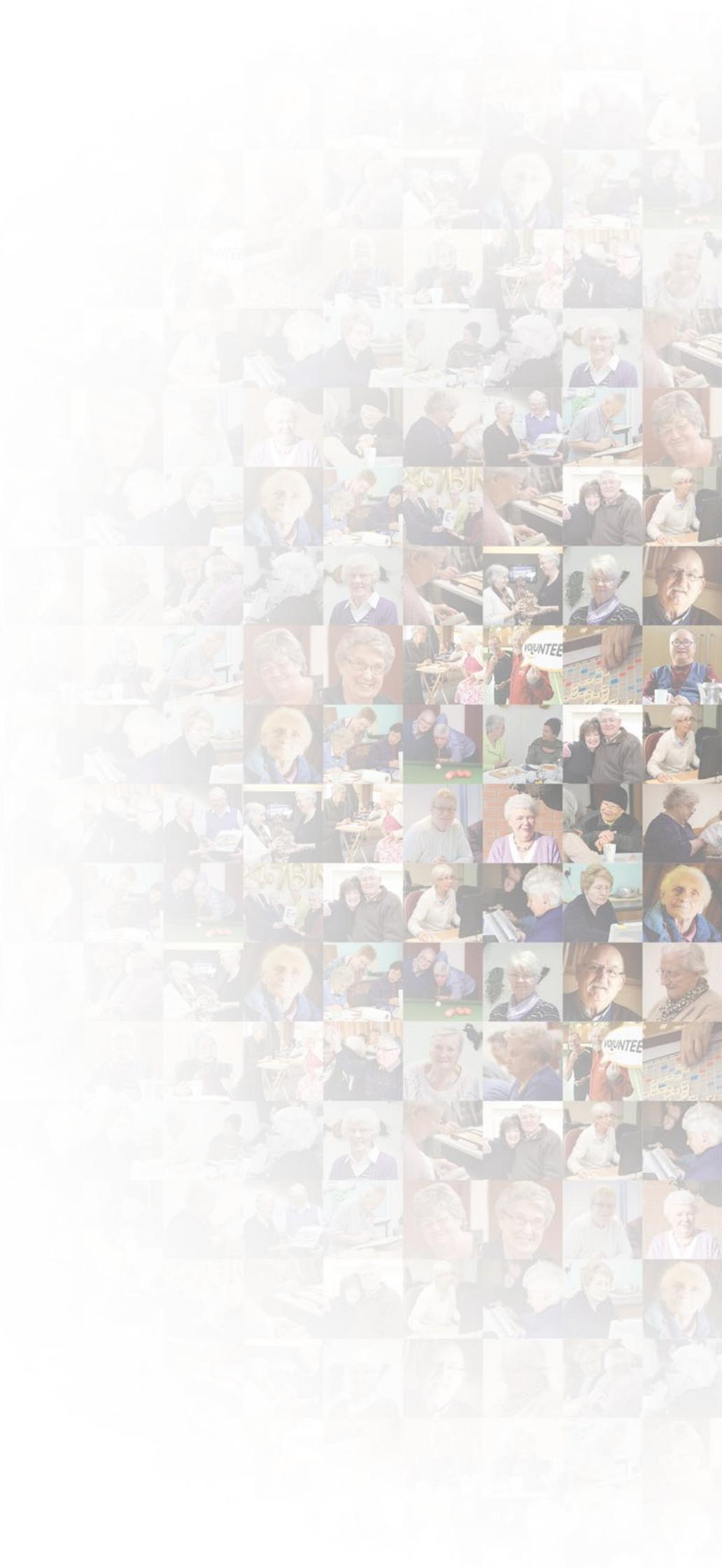
Published by The Commissioner  
for Older People for Northern Ireland  
October 2015

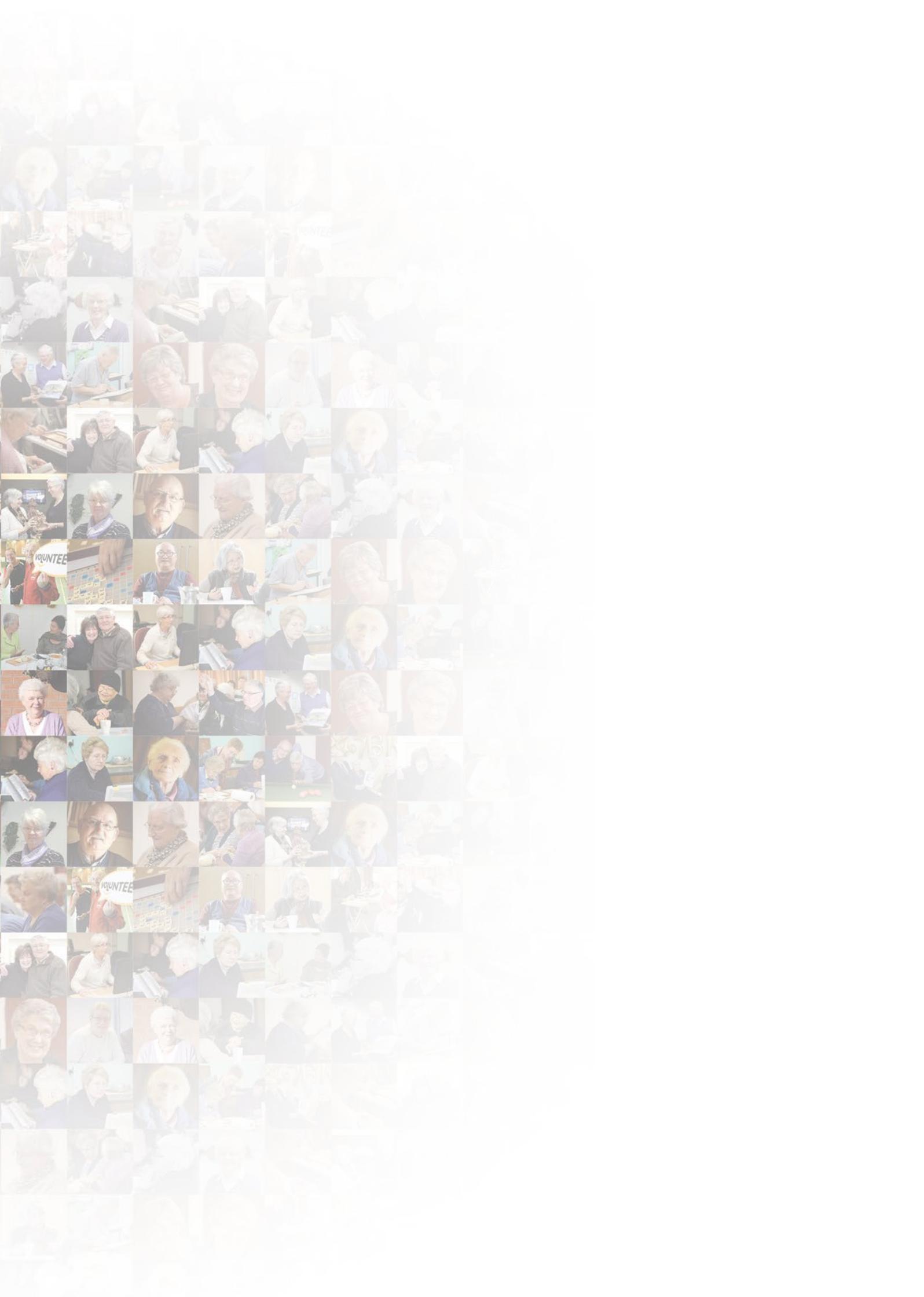
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ISBN: 978-0-9930725-7-4





# CONTENTS

Commissioner's Foreword	2
Hope, Confidence and Certainty	5
The Inaugural Term – At a Glance	6
About the Commissioner and the Organisation	8
Engagement with Older People	12
Advocacy and Legal Support for Older People	14
Crime Clearance Rates	22
Combating Pensioner Poverty	26
Appreciating Age: Valuing the Positive Contributions Made by Older People in Northern Ireland	28
Protecting our Older People in Northern Ireland: A Call for Adult Safeguarding Legislation	32
Working Longer in Northern Ireland: Valuing an Ageing Workforce	36
Supporting Older Carers: Examining the Reasons for the Low Level of Uptake of Carers Assessments by Older Carers in Northern Ireland	40
Changing the Culture of Care Provision in Northern Ireland	44
Prepared to Care? Modernising Adult Social Care in Northern Ireland	48
Active Ageing Strategy	52
Eliminating Age Discrimination in the Provision of Goods, Facilities and Services	54
Domiciliary Care	56
Annex 1: List of Powers and Duties	60
Annex 2: Organisational Chart	61
Annex 3: List of Reports Published by the Commissioner for Older People	62

# COMMISSIONER'S FOREWORD

**It has been a privilege and a pleasure to serve as the first Commissioner for Older People for Northern Ireland. I have worked with older people for a large part of my career and I wholeheartedly supported the need for a Commissioner for older people here. From my work with and on behalf of older people I see the need for an independent champion who safeguards and promotes the interests of older people. All of my work during my term of office 2011 – 2015 has been focused on achieving positive change on the issues that matter most to older people.**

I have listened to, been challenged by and worked with older people, the organisations that represent older people, Government, public authorities, private sector organisations, community and voluntary organisations, faith groups, trades unions, independent experts and individuals. Listening to and understanding the voices, views and experiences of older people, including those who find it harder to be heard, has been at the heart of my work. Older people living with dementia, those from ethnic minority backgrounds, lesbian, gay, bisexual and transgender older people, those living in residential or nursing care have all shared their experiences with me and given me invaluable insights into their lives.

My corporate plan *Hope, Confidence and Certainty* set out key priorities for action for the use of the



legal powers and duties set out in the Commissioner for Older People Act (Northern Ireland) 2011. In that plan I promised older people that I would provide advice to government that celebrated the positive contribution they make to society, promoted their interests, highlighted the challenges they face and helped safeguard them from the risk of harm. This report summarises the work my team and I have carried out to deliver on that promise.

This summary outlines how the organisation has evolved to support my work, and that of future Commissioners.

It describes what work is undertaken on behalf of older people on a day-to-day basis. It goes on to detail the work that was carried out in each of the priority areas of the corporate plan, *Hope, Confidence and Certainty*. At the end of the document I have provided some background material about the powers and duties of the Commissioner, about my team and a list of publications for further detailed information on the priority projects.

Legal casework managed by my office has advised, supported and empowered individual older people to help resolve the difficulties they have with public authorities.

I have provided advice to Government on many matters of concern to older people, including;

- Much needed improvements to 'clearance rates' when older people are the victims of crimes;
- Improved support for older carers;
- Valuing an ageing workforce;

- Recognising the positive economic contribution that older people make to society;
- The need for new laws to reform adult social care provision, and to better protect and safeguard older people from abuse; and
- Changes that are needed to ensure that high quality care services and support are available to all older people that need them.

My term as Commissioner has coincided with a number of significant economic changes. The most challenging of these changes is "austerity", a reduction in real terms in public spending and the impact that is having on older people, in their day-to-day lives and in the provision of services for them now and in the future.

The global trends on an ageing society are also happening in Northern Ireland. With that comes a lively, vibrant, economically active and socially productive population of over 60s. There will also be a proportion of our population who are more than 80 years of age, who

will require more services, better safeguarding and more acute care. It is vital that the services needed are in place. All my advice to Government over the last four years recognises that it has never been more important to plan well for older age, at a personal level and at a governmental level.

By facing up to the choices we have to make, by reviewing and setting out clearly our spending priorities in health, justice, care, transport and housing, Northern Ireland can protect and safeguard our older people from harsh failures and work with them to make choices, provide for increasing service needs and understand better what matters most to them.

I am convinced that our politicians believe that they want Northern Ireland to be a great place to age. Yet I remain frustrated by the lack of decisive action which is required by Government to introduce the legislation, services and policy that would create the certainty that today's and tomorrow's older people need and deserve. There remains a great deal

of work to be done to make Northern Ireland a really great place in which to age.

No-one who takes on the role of Commissioner takes on all of the work themselves and I am no exception. Throughout the four years of my term I have had incredible support from older people and the organisations that work with them. I particularly want to thank Age Sector Platform, Age NI, U3A and local older people's organisations for their advice, support, and co-operation, which has been of benefit to older people.

I am hugely grateful to my own team for all the hours of work and effort that has been put into the delivery of my four-year plan. When I took on this role a very minimal administration support was in place. Over the following two years a number of agency staff and staff on loan from the Office of the First Minister and Deputy First Minister (OFMDFM) built an organisation that has grown and developed. There is now a team with expertise in delivering first class support for the Commissioner. My

particular thanks go to my senior team, Evelyn Hoy, Chief Executive and Emer Boyle, Head of Legal and Policy Advice for their leadership, their confidence that what I wanted to do could be delivered and their focus on the needs of the older people on whose behalf we all work. Every member of the COPNI team, past and present has helped to build a strong foundation from which all future Commissioners will benefit.

I also want to recognise the work and support of my Audit and Risk Assurance Committee who have helped me and my senior team to build a strong governance framework that underpins all the work of the organisation. Their experience of public sector management and governance has been invaluable to me throughout my tenure.

Northern Ireland's older people are a tremendous asset, we are a better and richer society because of our older people. This generation has lived through some of the darkest days of recent times and yet as a population they

are resourceful, energetic and positive. Many older people here are reaching a time in their lives when they are becoming more reliant on the health service, rural transport, social housing and other public services. The changes that are required to deliver high quality, well-resourced and well planned services are achievable.

I call on Government to show clear leadership, challenge ageism, value the contribution made by our diverse population of older people, and meet the challenges and opportunities presented by an ageing society. Older people do not have the luxury of time to wait for action. They need Government to act in their interests now.

# HOPE, CONFIDENCE AND CERTAINTY

The Commissioner for Older People published the Corporate Plan of the inaugural term under the theme of Hope, Confidence and Certainty.

## Hope

- Hope that our society celebrates the good news that more of us are living longer and healthier lives.
- Hope that the Government invests in the health and wellbeing of the current and future generations of older people.
- Hope that future generations of older people will see lower levels of chronic illness and disability, reduced pensioner poverty, better protection from abuse, improved health and social care services, and equal and fair treatment.

## Confidence

- Confidence that older people will be recognised first and foremost as individuals who have rights, have made and continue to make a contribution to our society and who make choices and decisions about their own lives, preferences, activities and opinions.
- Confidence that older people will receive equal treatment, will be enabled to live safe and healthy lives with their views and ideas listened to and considered and have their contribution to society recognised and valued.

## Certainty

- Certainty that if older people become vulnerable, frail or ill, they will receive the support, services, respect and care they need to live dignified and fulfilled lives through to the end of life.
- Certainty that protection, care and support for vulnerable older people is an absolute priority for our society.

## The Inaugural Term - At a Glance

November 2011 – March 2013	April 2013 – March 2014	
<b>Direct engagement with older people and older people's groups</b>		
<b>Advocacy, legal assistance and casework for individual older people</b>		
<b>Independent voice for older people in the media, society and advising Government</b>		
Consultation with older people and their groups on themes for the Corporate Plan	Publication of Corporate Plan 2013-15, <i>Hope, Confidence and Certainty</i>	
Development of the Corporate Plan	Primary and commissioned research into priorities published in <i>Hope, Confidence and Certainty</i>	
Development of the organisation including accommodation, temporary staffing, internal policy development and governance frameworks	Development and delivery of individual assistance programme for older people	
Appointment of Audit and Risk Committee (ARAC)	Ageing Strategy Advisory Group – Chairing the group and providing advice to Government	
Internal Audit and Information Technology procurement	Crime Clearance Rates – An analysis of the low level of crime clearance rates for specific crimes against older people	
Endorsement of the DSD's "Make the Call Campaign"	Recruitment of permanent staff	
Handling of calls for assistance by older people	Advice to Government on the proposed closure of Statutory Residential Homes	

April 2014 – March 2015

April 2015 – November 2015

<p>Publication of advice to Government - <i>Appreciating Age – Valuing the Positive Contribution made by Older People in Northern Ireland</i></p>	<p>Domiciliary Care Summit – An examination of the current status and the scale of change needed to deliver good quality domiciliary care for older people in Northern Ireland</p> <p>Publication of advice to Government – A post-summit report on changes needed in domiciliary care</p>
<p>Publication of advice to Government – <i>Protecting our Older People: A Call for Adult Safeguarding Legislation in Northern Ireland</i></p>	<p>Publication of advice to Government – <i>Prepared To Care? – Modernising Adult Social Care in Northern Ireland</i></p>
<p>Publication of advice to Government – <i>Working Longer in Northern Ireland: Valuing an Ageing Workforce</i></p>	<p>Continue to press Government for anti-age discrimination legislation in relation to the provision of Goods, Facilities and Services– Review and feedback on emerging policy proposals</p>
<p>Publication of advice to Government – <i>Supporting Older Carers: Examining the Reasons for the Low Level of Uptake of Carers Assessments by Older Carers in Northern Ireland</i></p>	<p>Ageing Strategy Advisory Group – Chairing the group and providing advice to Government</p>
<p>Provision of mediation to resolve dispute between older people in nursing care and a Health and Social Care (HSC) Trust</p>	<p>Evidence to Assembly Committees on;-</p> <ul style="list-style-type: none"> <li>• Valuing an Ageing Workforce</li> <li>• Draft Pensions Bill and Reform</li> <li>• Mental Capacity Bill</li> <li>• Northern Ireland Public Services Ombudsperson Bill</li> </ul>
<p>Publication of advice to Government – <i>Changing the Culture of Care Provision in Northern Ireland</i></p>	<p>Introduce Legal Casework Management and Records Management systems to support the ongoing work of the office in providing individual assistance for older people</p>
<p>Ageing Strategy Advisory Group – Chairing the group and providing advice to Government</p>	
<p>Evidence to Assembly Committees on;-</p> <ul style="list-style-type: none"> <li>• Supported Living Provision in Northern Ireland</li> <li>• The need to introduce anti-age discrimination legislation in relation to the provision of Goods, Facilities and Services</li> <li>• Adult Safeguarding</li> </ul>	
<p>Advice to the Secretary of State for Northern Ireland (with Age NI and Age Sector Platform) on a number of critical issues of importance for older people</p>	

# ABOUT THE COMMISSIONER AND THE ORGANISATION

**Older people in Northern Ireland lobbied Government for the establishment of a Commissioner for Older People in Northern Ireland to be an independent champion for older people, who would safeguard and promote their interests. The Assembly introduced legislation that set out a range of powers and duties for such a Commissioner and the Commissioner for Older People for Northern Ireland was established in November 2011. Claire Keatinge took up post that month as the inaugural Commissioner.**

The Commissioner agreed with the Office of the First Minister and Deputy First Minister that she would not draw down the full powers of her office until she established an interim team and put in place a range of governance measures that would ensure the proper running of her organisation. In 2012 the Commissioner had put in place a small team of people to design and develop an organisation that would help her to exercise the wide range of statutory powers and duties she had to fulfil.

Established in a time of relative austerity, the Commissioner's organisation has not been funded to a level envisaged in the original plans for the office. Even plans made in 2011/12 had to be subsequently revised in light of further and ongoing cuts to the operating budget. Nevertheless, the Commissioner has created an organisation that supports her in the key duties of the role,

promoting awareness of older people's issues, reviewing and advising Government on the provision of law, policy and practice in relation to older people's services and assisting and advocating for older people directly with public authorities.

Throughout this term the Commissioner has recruited staff to carry out the functions of the office. At present there are 12 permanent and 1 agency members of staff working across a number of different functions.

## **The Commissioner's Team**

The Commissioner's office is organised into a number of divisions;-

- Policy and Research
- Communications and Engagement
- Legal Office
- Human Resources
- Finance & Governance (including admin support and casework call handlers).

The policy priorities in *Hope, Confidence and Certainty* and legal casework have been the main focus of the office during the Commissioner's inaugural term but like all similar organisations, the Commissioner's office deals with many more day-to-day tasks.

### **Engaging with older people across Northern Ireland**

The Commissioner and the Senior Management Team undertake a wide ranging programme of engagement with older people and with groups that represent them, including older people's organisations, interest groups, professional, political and campaign organisations. This work promotes the role and function of the Commissioner's office and ensures that the Commissioner hears directly from older people on what matters most to them.

Many older people's organisations ask the Commissioner to speak to their members, provide information about her role and work, or to address issues relating to older people that are currently in

the news or are of concern to groups. These are valuable opportunities for the Commissioner to meet with a wide variety of older people from a range of backgrounds.

Themed engagement programmes have also been carried out to ensure that the Commissioner hears from groups of older people who may experience difficulty in having their say, for example residents of nursing and residential homes and minority groups. More information on the Commissioner's engagement with older people is outlined in the chapters that follow.

### **Promoting the role of the Commissioner internationally**

The Commissioner is required by legislation to promote the role of a Commissioner for Older People and she has done this throughout the inaugural term in a number of ways. She has addressed a number of national and international events promoting the role of a Commissioner for Older People to audiences in a number of countries,

including Finland, Canada, India, USA and Germany as well as in the UK and Ireland.

The Commissioner has promoted the rights of older people and the positive contribution older people make to societies worldwide. She has drawn attention to matters of global significance in an ageing society and has brought back from these events, knowledge and understanding of the impacts of global ageing trends on the population of Northern Ireland.

### **Informing policy makers and Government**

The Commissioner provides advice to Government on a range of issues in addition to the key priorities published in her Corporate Plan. The Commissioner responds to consultation papers and materials from public authorities on issues affecting older people ranging from employment law and pharmacies in the community to the Blue Badge Scheme and dementia care. All of the Commissioner's responses to public consultations are published on her website at [www.copni.org](http://www.copni.org).

Responses submitted by the Commissioner aim to ensure that the interests of older people are promoted and safeguarded when consideration is given to any policy or legislative changes by Government. The Commissioner and her team also attend and present at a range of professional and academic events and seminars to network with and influence key decision makers.

Responsive work is also carried out on a range of issues beyond the Commissioner's published key priorities. One issue that emerged during the Commissioner's term was the proposed closure of Statutory Residential Homes, outlined by the then Minister for Health, Social Services and Public Safety, as part of the overall programme of change to older people's services.

The Commissioner, together with Age NI, provided advice to the Minister on best practice when considering any planned closure of residential homes in 2012. The Commissioner advised that there should be an equitable set of criteria at a regional level, applied in a

transparent manner and that local consultation take place with the current residents, their families and carers on the closure plans. The Commissioner advocated on behalf of all residents of care homes in the statutory sector that their quality of life be adequately protected.

In 2013, a number of Health and Social Care Trusts announced individual plans to make further closures to statutory residential homes without taking into account much of the good practice, transparency and consultation outlined in the Commissioner's advice to Government. The Commissioner met again with the then Minister for Health, Social Services and Public Safety and asked him to intervene in the planned closures and ensure that the process of determining which homes would be subject to closure would follow the good practice advice which had previously been given. The Minister then tasked the Health and Social Care Board with the design and implementation of a transparent and region-wide consultative process

which would fully address the concerns of those living in the statutory homes. Following this intervention, all residents living in statutory residential care homes were given an assurance by the Minister that they would be able to stay in their homes so long as their care needs could continue to be met.

### **Speaking out for older people in the media**

There is increasing media interest in ageing and older people and this focus is welcome and important. The media, including local newspapers, radio, television and the internet have a powerful influence on people's attitudes and with that comes a great responsibility to reflect fairly and accurately the reality of older people's lives and the issues affecting them. The Commissioner has been a strong, independent and constructive commentator in television, radio and print media, championing the interests of today's and tomorrow's older people.

The Commissioner consistently highlights the positive contribution older

people make to our society; that we are a better and richer society because more of us are living longer and healthier lives than ever before. She has championed the rights of older people to the services, support, equality, fair treatment, dignity and respect they deserve. The Commissioner has commented in print media, on radio and television that service providers and Government must be accountable for the decisions they make in planning and delivering services and support for older people and that the views, voices, opinions, ideas and experience of older people should be central to any discussion or comment about them.

The Commissioner has commented on a wide range of matters, including transport, health and social care, the positive contribution older people make, crime and justice, equality, valuing an ageing workforce, elder abuse, pensions and pensioner poverty, proposed closure of care homes and lifelong learning.

The Commissioner has persistently challenged the untrue and unfair characterisation of older people as an 'economic burden' on society and called for commentators and journalists to stop being ageist and using negative stereotypes of older people. She has also called for more realistic representation of older people in the media – as commentators, as opinion formers and with images of older people engaged in every aspect of life. The Commissioner continues to use the media to call very publicly for decision makers to be accountable and act with integrity and transparency in relation to matters affecting older people.

### **Ensuring the smooth running of the Commissioner's office**

The Commissioner appointed a Chief Executive, Evelyn Hoy, to oversee the running of her office in accordance with all appropriate and proportionate governance required to meet the exacting standards of the management of public money.

In 2012, the Commissioner appointed an Audit and Risk Committee (ARAC) to advise

her on governance issues and to provide independent assurance and objective review of the Commissioner's financial systems, information and internal control mechanisms. The ARAC is chaired by Gerard Campbell and comprises, Julie Erskine, Breidge Gadd and Don McKay.

The ARAC meet quarterly and assist the Commissioner in her role as Accounting Officer, to ensure that assets are safeguarded, the risk of illegal or improper acts is reduced and confidence in the objectivity and fairness of financial reporting is increased. The term of office for the Chair and committee members is 4 years, with the opportunity to extend for a further 4 year term.

The COPNI Annual Report and Statement of Financial Accounts is published annually and laid before the Northern Ireland Assembly. Copies of the Annual Report and Statement of Financial Accounts for each year of operation of the inaugural term are published on the Commissioner's website at [www.copni.org](http://www.copni.org).

# ENGAGEMENT WITH OLDER PEOPLE

**The UN Principles for Older People have influenced the work of the Commissioner from development to action. Participation by older people has been at the heart of all the Commissioner's advice to Government. The Commissioner undertakes regular engagement with older people's groups and individuals across Northern Ireland, including older people living in nursing and residential homes.**

Throughout her term of office, the Commissioner has engaged with more than 10,000 older people and has spoken at a range of events across Northern Ireland, the UK, Europe and further afield on the work she has undertaken to improve the lives of today's and tomorrow's older people in Northern Ireland. The graphic on the next page shows locations visited as part of the work of the Commissioner for Older People, both in and outside of Northern Ireland.



The Commissioner for Older People has a statutory duty to advise Government and relevant authorities on matters concerning older people, and throughout the past four years she has engaged extensively with politicians, Northern Ireland Assembly members, Committees and Government Ministers to promote and safeguard the interests of older people in Northern Ireland. Much of the advice to Government is covered in further chapters.

However, the Commissioner has also intervened in a range of issues, reacting to events as they unfold or responding to specific requests from older people. A selection of such interventions include:

- Giving evidence to the Social Development Committee on the draft Pensions Bill
- Giving evidence to the Health, Social Services and Public Safety Committee on Supported Living
- Providing advice to the Minister for Health, Social Services and Public Safety on good practice when considering the closure of residential settings for older people
- Prior to the Westminster elections the Commissioner met with political parties to press for action relating to issues of importance to older people

# ADVOCACY AND LEGAL SUPPORT FOR OLDER PEOPLE

## **The Commissioner for Older People provides assistance to individual older people who need advocacy or legal support.**

Many older people find it difficult to deal with public authorities, to make a complaint, to secure a service or to get their views listened to. Clear, factual information that empowers older people, together with advocacy when assistance is required are essential for older people to be able to exercise their rights, choices and interests.

The assistance that the Commissioner provides helps and empowers the individual older person to get resolution of the issues they face. It also ensures that the Commissioner is aware of many of the real challenges and problems which older people are dealing with and can advise Government effectively about the changes they

need to prevent the same problems from recurring.

Over the course of the Commissioner's term her legal officers and case work administrators have assisted older people on a diverse range of issues. These are described in Table 1.

The Commissioner's team signpost a lot of enquiries to the right agency or organisation that provides the most relevant assistance. Almost half of the calls received are referred to Benefits Agency, Health Trusts and other advice agencies. The cases that the Commissioner deals with directly are tested against strict case acceptance criteria. In accordance with the Commissioner for Older People Act (Northern Ireland) 2011, the Commissioner is obliged not to duplicate the work of another public authority. However, where an older person is having

problems dealing with a public authority the Commissioner can advocate on their behalf. This is done in a number of ways such as writing letters or making telephone calls on behalf of an older person, or the Commissioner's legal officers can attend meetings in an observer, advisory or advocacy role. The Commissioner can also provide direct legal assistance in cases involving older people and service providers (public authorities) that are of a strategic interest to older people. When older people have experienced difficulties with public authorities the Commissioner can also encourage the use of or provide access to alternative dispute resolution.

**Table 1 – Casework themes**

The following table shows the kinds of matters that older people ask the Commissioner to examine for them, or to advocate on their behalf. It also explains the activities the Commissioner’s legal officers undertake in such cases.

<b>Issues (by theme)</b>	<b>What we do</b>
<b>Carers matters</b>	Assisting older carers and carers of older people to access and secure support for their own needs and appropriate services for the older people they care for.
<b>Complaints about health and/or social care matters</b>	Assisting older people and providing advocacy support in complaints about health and/or social care services where a complaint has not been resolved by the formal processes in place in Health and Social Care Trusts.
<b>Complaints against public authorities</b>	Assisting older people and providing advocacy support in complaints about a range of services where a complaint has not been resolved by the formal processes in place in the relevant public authority.
<b>Consumer affairs including fraud, cold calls and scams</b>	Assisting and providing advocacy support for older people who have been subject to sharp practice or dishonest trading practices.
<b>Crime against older people</b>	Assisting and providing advocacy support for older people who have been victims of crime and need additional support or are unaware of support from specialist victim support agencies.
<b>Disability discrimination</b>	Monitoring and examining instances of discrimination on the basis of disability that is associated with or arises from older age.
<b>Age discrimination</b>	Monitoring and examining instances of discrimination on the basis of age.
<b>Financial matters including benefits, pensions, financial services, insurance, and protection from financial abuse</b>	Assisting older people and providing advocacy support in complaints about a range of services where a complaint has not been resolved by the formal processes in place in the relevant public authority or commercial company.

Issues (by theme)	What we do
<b>Housing and planning issues, including sheltered housing and supported living complaints</b>	Assisting older people and providing advocacy support in complaints about a range of services where a complaint has not been resolved by the formal processes in place in the relevant public authority.
<b>Human Rights issue(s)</b>	Monitoring and examining instances of human rights violations on the basis of age, or of importance to older people.
<b>Nursing and residential homes</b>	Assisting older people and providing advocacy support in complaints about nursing home services where a complaint has not been resolved by the formal processes in place in the private company or by the Health and Social Care Trust that has commissioned the care.
<b>Residential homes</b>	Assisting older people and providing advocacy support in complaints about residential home services where a complaint has not been resolved by the formal processes in place in the private company or by the Health and Social Care Trust that has commissioned the placement.
<b>Safeguarding and protection from risk of harm</b>	Assisting older people who are at risk of harm. Providing advocacy support to older people and carers in relation to formal and informal investigations into allegations of abuse.
<b>Transport</b>	Assisting older people and providing advocacy support in complaints about a range of services where a complaint has not been resolved by the formal processes in place in the relevant public authority or commercial company.
<b>Whistleblowing</b>	Assisting employees who have provided information that highlights matters of concern in the treatment of older people in statutory or private care settings.

## Cases and Enquiries opened

Prior to 2013, data on live cases was not categorised by case type; since 2013 it has been helpful to collate data in categories to show all enquiries received from older people, their families and carers, those cases which require a small amount of intervention to resolve them, and complex cases. The categories are described below;

**Enquiries:**

Matters dealt with primarily by the Administrative Team of COPNI. Generally involving signposting or provision of basic level information.

**Quick Interventions:**

Matters requiring additional assistance of a specific and/or legal nature including telephone advice, correspondence and basic advocacy support. Matters referred to a designated Legal Officer. Resolution ordinarily anticipated within 12 weeks.

**Complex Case Files:**

Cases of strategic interest to the office requiring specialist internal support, or of a more complex nature. Managed by designated Legal Officer who will provide detailed legal and other advice.

**Table 2**  
**Number of cases under consideration each year**

The following table shows the numbers of live cases under consideration each year in each category;-

	2011/12	2012/13	2013/14	2014/15
<b>Enquiries</b>			230	166
<b>Quick Interventions</b>			76	164
<b>Complex cases</b>			38	48
<b>All live cases</b>	77	137	114	212

**Case studies**

The following are some examples of cases of individual assistance that the Commissioner has undertaken. The details, like names and places, have been changed

for reasons of confidentiality. These examples are used to show that individual cases of difficulties experienced by older people can bring to light issues of importance to many other older people.

Individual cases such as these can and do trigger broader research and investigations by the Commissioner, and can result in formal advice to Government and public authorities.

## CASE STUDY 1: MEDIATION OF DISPUTES

**The Commissioner was asked to intervene in a dispute between families of residents of a hospital ward in the community and the Health and Social Care Trust when they proposed its closure. The patients of the ward were all older people living with dementia, many of whom had been resident in the facility for more than 5 years. The families of the patients were very satisfied with the services provided by the Trust in the facility and were concerned about the proposed closure. The Trust was required to propose the closure as the facility was no longer fit-for purpose under existing regulatory standards and would require uneconomical levels of refurbishment, which would also require the transfer of patients for the duration of the work.**

At the point when the Commissioner was asked by the families to intervene, relationships between Trust officials and the families had broken down. There was a loss of trust between the parties that was preventing discussions moving forward. The Commissioner appointed an independent facilitator to design and deliver a process that would bring about a resolution that would best serve the older people living with dementia who were central to the dispute. Through a series of separate and joint meetings the independent mediator brokered a resolution to the dispute that all parties could accept. The positive outcome was that the older people were provided with alternative accommodation in the statutory sector that fully met their assessed health needs. The families

felt that their concerns had been heard and constructively addressed and the Trust were satisfied that they had fully met the needs of the older people involved, had mitigated any risk of negative publicity and had repaired the relationships with the families involved.

The Commissioner would recommend that Trusts and other public authorities avail of independent mediation services or other forms of alternative dispute resolution at the early stages of any dispute that cannot be easily resolved.

## CASE STUDY 2: CENTENARIAN RESIDENT OF A NURSING HOME THREATENED WITH EVICTION

**The Commissioner received complaints from the niece of an older person residing at a local nursing home. The family of the older person had made a series of complaints directly to the nursing home management. They were concerned about management procedures, feeding practices, attitude of some staff members, hygiene and continence management. When the family contacted the Commissioner they expressed concern that their complaints weren't being dealt with and the issues were continuing. From the nursing home management side the Commissioner was told that the family's requirements were not reasonable and the trust and respect between the family and management had broken down.**

The Commissioner was asked to intervene as this relationship breakdown had led to the possibility that the older person would be asked to leave the home. Due to the nature of the contract under which many older people reside in residential care, an older person can be evicted from a nursing home with very little notice and without recourse to an appeal of the circumstances.

The Commissioner facilitated a meeting between the parties which was attended by a legal officer from the Commissioner's office. The Commissioner acted as an impartial broker, seeking to protect the rights and interests of the older person at the heart of the case. An agreement was reached between parties to permit the 100-year old resident to remain in the nursing home and the Commissioner's legal officer continued to monitor the case.

This case raised the Commissioner's interest in the degree of legal protection available to older people in residential and nursing care settings. The contract for the provision of care for some older people is between the Health and Social Care Trust and the nursing or residential home. In such a case the older person has limited legal protection against the withdrawal of a service or eviction from the home. The Commissioner has raised her concerns about this with the Minister for Health, Social Services and Public Safety. In her report *Changing the Culture of Care Provision in Northern Ireland*, the Commissioner advised that the contract through which older people occupy care homes must be reviewed so that as long as the home can meet the assessed needs (of the older person), they cannot be evicted without due process, reasonable due cause, and without appropriate alternative care being in place.

### CASE STUDY 3: PROVISION OF DISABILITY AIDS AND ADAPTATIONS FOR A PERSON LIVING WITH AGE RELATED DISABILITY

**The family of an older person contacted the Commissioner about difficulties their relative was experiencing during building works at their home to provide adaptations for increased disability. This older person was experiencing mobility problems and a degenerative visual impairment. They wished to continue living alone in their own home. They applied for a grant from the Housing Executive to extend their home to create a 'wet room' downstairs, addressing their disability needs.**

A local housing agency was providing technical support through the grant programme, so the family were satisfied that someone was giving advice and practical assistance in the design and construction of the extension. Near the completion of the building works the family became concerned that the new extension was not meeting the needs of the older person.

The new room had a small window but was primarily reliant on overhead spotlights for lighting. This degree of artificial light was inadequate for the older person who had visual impairment. The family was worried that it would make use of the new room very difficult. The older person was not confident in their dealings with the agent and the builder and expressed to their family that they felt their concerns were not being listened to. They said they felt intimidated by the builder and didn't want to be on their own in the house with him. The older person's family had difficulties obtaining a resolution with the Housing Executive, the builder and the housing

association and contacted the Commissioner for advice and assistance.

When the Commissioner intervened in this case her legal officer, undertaking an advocacy role, made representations to the Housing Executive and its agent with responsibility. Each aspect of the case from the provision of the grant, the assessment of the older person's needs and the support provided by the agent was examined to see where the breakdown between the parties had arisen. The legal officer also examined the handling of the complaints arising from the case.

The case was resolved through the intervention of the Commissioner and the necessary changes to the building works were carried out. The Commissioner also met with the Housing Executive and the agent to discuss the lessons to be learned from this case. It was clear that the processes and procedures in place to provide the aids and adaptations, and to assist in the provision of them, had failed in some key areas. All the parties in this case were open to learning from it, and to making changes to processes, procedures and practice.

## CASE STUDY 4: COMMERCIAL COLD CALLS TO OLDER CUSTOMERS

**The Commissioner was contacted by the family of an older person to tell her about a situation where their relative was subject to unfair and unethical treatment by a commercial company. The older person lives alone and is relatively independent. They received a cold call from a telecommunications network provider with whom they already had a mobile phone contract. As a result of a telephone conversation with a sales person, the older person apparently agreed to purchase a second hand set in addition to the phone that they already used. It is not clear that the older person understood what they were purchasing at the time and the family were not aware that they were being sold an additional mobile telephone.**

When the new mobile phone arrived at their home the older person wasn't clear that they had agreed to purchase it. They had sought to return the phone to their mobile telephone network shop in the local town centre. The staff at the shop advised the older person to speak directly to the network provider as it had nothing to do with them.

The older person left the new mobile phone in the box and it was never activated. They began to receive bills for the two phones in their possession. They contacted the telephone provider and were advised that the 30 day 'cooling off period' in the sales contract had lapsed. They were informed that they could end the new contract if they were prepared to pay a termination fee, otherwise they were told they had contracted to pay the monthly bill for two years. This older person lives on a fixed low income and was unable to pay to end the contract. They then paid two mobile phone bills for a prolonged period before eventually contacting their daughter for assistance.

The older person's daughter contacted the network provider by phone and in writing. The company would not refund

any monies that had been paid on the 2nd contract but instead offered to provide 6 months free line rental. In total the customer was paying an additional fee for 31 months. The daughter has requested a copy of the signed contract between the provider and her parent as well as a transcript of the phone call that took place during the initial 'sell'. These had not been provided when the older person's daughter contacted the Commissioner.

The Commissioner's legal officers are acting on behalf of the older person and will make representations to the network provider regarding sales practice, cancellation procedures for older people as well as seeking full re-imburement of monies paid over 31 months.

This kind of sharp business practice and the intransigence of big commercial firms to resolve such complaints is extremely frustrating for families and older people. Older people living alone are not easily protected from cold calls and pushy sales practices. It is clear in this case that the older person did not understand the contract they had undertaken and it was not easy for their family to resolve the matter when the goods were received.

# CRIME CLEARANCE RATES

**Crime against older people is widely and rightly condemned across our society. The impact of crime on older people can be overwhelming, causing fear, isolation and sometimes causing the older person to move from their own home into residential or sheltered accommodation. Wide ranging crime prevention initiatives are welcome, with the Policing and Community Safety Partnerships working hard to reduce crime and fear of crime.**

Older people in Northern Ireland are unlikely to become victims of crime. Police Service of Northern Ireland statistics show that crime against older people is a relatively rare occurrence. However older people express

relatively high levels of fear of crime and it is an issue that is frequently raised with the Commissioner. Each incident of crime experienced by an older person is traumatic for the victim and it is vital that everything possible is done to prosecute perpetrators of crime and deter repeat offences. Many older people say that they have a lack of confidence that offenders are brought to justice for crimes against them.

Too few perpetrators of crime against older people are arrested, charged and convicted. This poor clearance or 'outcome' rate must be improved to reduce fear of crime and increase the likelihood that those who would commit crime against older people know that

they are likely to be held to account and prosecuted.

The Commissioner's team undertook an analysis of statistics from the Police Service in Northern Ireland (PSNI) and one of the particular issues that arose was that the rates of detection and prosecution of crimes of burglary, criminal damage and theft were consistently and significantly poorer when the victim is an older person.

This project set out to highlight the disparity in the clearance or 'outcome' rates for crimes of burglary, theft and criminal damage against older people and to work with PSNI and the Policing Board to see an improvement in the detection and prosecution of such cases.

## Actions & Findings

**A1** The Commissioner reviewed and analysed clearance rates for crimes against older people, analysing official Police Service of Northern Ireland (PSNI) statistics gathered over a six year period.

**F1** Analysis showed that clearance rates for burglary, criminal damage and theft, were consistently and significantly poorer for older people than for any other age group.

**F2** Over the six year period examined from April 2007 to March 2013, victims of crime under 60 years old were almost twice as likely to see their cases cleared as those aged 60 and over.

**F3** The Commissioner published *An analysis of the clearance rates for crime against older people in Northern Ireland - 2007/08 to 2012/13*. See [www.copni.org/publications](http://www.copni.org/publications) for a copy of the full report.

**A2** The Commissioner highlighted the poor clearance rates for crimes of burglary, criminal damage and theft against older people through engagement with the PSNI and the Policing Board.

**A3** The Commissioner met with representatives from:

- The PSNI
- The Northern Ireland Policing Board
- The Probation Board for Northern Ireland
- The Public Prosecution Service and
- Victim Support NI

**A4** The Commissioner lobbied the Policing Board to develop new operational targets in the Policing Plan to increase the detection and prosecution rates.

The Commissioner recommended that new targets be introduced in the draft Policing Plan for 2015 -2016 including measureable targets for the first time specifically relating to crimes against older people. The plan now includes a commitment by March 2016 to;

- Improve the outcome rate for domestic burglary in which older persons are victims by 2%, compared to the outcome rate recorded for 2014 - 2015.
- Reduce the number of domestic burglaries and robberies in which older persons are victims by 2% compared to the number recorded for 2014 – 2015.

Further to this, the plan makes reference to the commitment to improving the service to vulnerable groups and to encouraging increased reporting by victims of crime who are older people.

The Commissioner calls for more work to be done to increase respect for older people, include them in the design and delivery of victim support services and to protect them from crime. The work undertaken on 'outcome' rates for domestic burglaries and robberies by the Policing Board and the Police Service of Northern Ireland is a welcome start and the Commissioner anticipates seeing clear progress in tackling crimes against older people.



# COMBATING PENSIONER POVERTY

## The “Make the Call” campaign

**The number of older people living in poverty has fallen steadily over the past 15 years and this is very positive. Protection of the ‘triple lock’ which uprates the Basic State Pension by the higher of either earnings, prices or 2.5% is also very welcome. Winter fuel payments, free eye tests, free prescriptions, free public transport and TV licences for the over 75s continue to make a very positive difference to the lives and independence of older people.**

However, too many older people still live on low, fixed incomes and find it hard to make ends meet from week to week. Other older people living in their own homes find it impossible to

replace household items or carry out essential home repairs. Older people living on inadequate incomes can have difficulties eating well or heating their home, and they can find it increasingly difficult to participate fully in family and community life. Older people do not always take up all of the benefits or entitlements that they are due. An estimated £60million a year goes unclaimed by older people in Northern Ireland. This money could and should be paid to the older people who are entitled to it – but lack of knowledge about entitlements, assuming that they will not be eligible and a reluctance to claim ‘benefits’ prevents many older people from claiming and receiving much needed additional income.

Through involvement with the Department for Social Development’s (DSD) ‘Make the Call’ campaign over the past four years, the Commissioner has encouraged older people to make sure that they are receiving all the benefits that they are entitled to. Barriers to claiming include worry about the process, means-tested rules and the perceived stigma associated with claiming benefits. Many older people also do not know what support is available to them, don’t know who to ask for help, or are afraid to ask.

It is vital that older people know about, can claim, and receive the benefits to which they are entitled, so that they have an adequate income to enable them to live dignified and fulfilled lives.

## Actions & Findings

**A1** The Commissioner has worked with the Department of Social Development to increase awareness of pension credit benefits and many other benefits that older people are entitled to but are not claiming.

**A2** The Commissioner appeared in promotional materials including leaflets, press articles and a national television advertisement. The Commissioner actively endorsed the campaign and encouraged older people and their carers to “Make the Call” to a benefits adviser to check that they are receiving all the benefits that they are entitled to.

**A3** The Commissioner has signposted callers and correspondents to the “Make the Call” campaign and referred to the campaign in literature, web materials and through inclusion in the Commissioner’s speeches and media comment.

**F1** In each of the years of the campaign benefits claimed by older people increased in the following amounts;

2011/12	£3.3 million
2012/13	£2.5 million
2013/14	£3.6 million

**F2** Ongoing evaluation of the “Make the Call” campaign by the Department of Social Development, shows that in 2012/13 and 2013/14 respectively 51% and 66% of older people felt reassured about making a benefits check because the Commissioner was involved in and endorsed the campaign.

**F3** A similar analysis examined the impact of the Commissioner in the campaign materials in relation to carers of older people. In that case 57% in 2012/13 and 65% in 2013/14 said they felt reassured about making a benefits check because the Commissioner was involved.

\* Figures from DSD’s analysis and evaluation of the ‘Make the Call’ advertising campaign.

The Commissioner commends the Minister for Social Development on the success of “Make the Call” campaign and the fact it has increased the awareness among older people, their families and their carers of the benefits to which they are entitled.

# APPRECIATING AGE

## Valuing the positive contributions made by older people in Northern Ireland

**Northern Ireland is a better and richer society because more of us are living longer and healthier lives than ever before. Older people make enormous contributions to every aspect of our family, community, economic and civic lives. Too often however, we hear very negative voices talking about older people as though they are somehow a social and economic 'burden'. This is deeply offensive and hurtful – and it is untrue.**

For the first time for Northern Ireland, a comprehensive economic assessment has been undertaken in order to calculate the value of the contributions older people make.

The Commissioner examined the positive economic and social contribution that older people bring to society through their skills, knowledge and experience.

This analysis attached an economic value to the contributions made by older people in Northern Ireland

including volunteering, caring, childcare and replacement parenting and projected this over the next 50 years. The analysis also considered the expected costs relating to older people from the public purse over the next 50 years.

The result found that over the next 50 years, Northern Ireland will be almost £25 billion better off because of our ageing population.

Simply put, the results show that older people put a lot more economic value into society than they take out.

## Actions & Findings

**A1** The Commissioner undertook the development of an economic assessment of the direct contributions of older people to society over the next 50 years and analysis of the direct costs of an ageing society over the same period.

**A2** The Commissioner engaged with older people to capture real life stories of contributions to society in volunteering, caring, childcare, working and investing.

**F1** The total value of the contributions made through caring, childcare, replacement parenting, volunteering, working and paying taxes far outweigh the projected cost of spending related to an ageing society over the next 50 years in Northern Ireland.

**F3** *Appreciating Age* presents clear evidence supporting a need to change the way people refer to older people, discouraging negative stereotypes that are unfair and untrue, promoting the use of positive language that champions the real value of the varied contributions that older people make.

**F2** Economic contributions to be made by older people are projected to total £117 billion over the next 50 years, whilst the cost directly associated to older people is expected to be £92 billion, which means that their net positive economic contribution is forecast to be a huge £25 billion.

**A3** The Commissioner published the report *Appreciating Age* and promoted the positive message about older people's contribution to society through media activity.

in *Appreciating Age* to directly challenge negative stereotyping or the portrayal of older people as a burden on society or government services.

**A4** The Commissioner undertook a round of pre-election party meetings to discuss how older people would be portrayed in manifestos, using the evidence published

**A5** Within the Commission's office, all publications and the language used when speaking about older people, are positive and reflect the value of their contribution to society.

**F4** Election literature from all political parties included language that was positive in its portrayal of older people and the valuable contribution they make to society.

The *Appreciating Age* report and the evidence of the positive contribution of older people is now being cited in academic reports and literature. It is in use by policy makers and others who affect the services delivered to older people. The positive language now appears frequently in speeches, discussions and reporting of older people and aging. It is impossible to track the direct impact of every use of this material but it is much more common to hear negative portrayal of older

people being challenged by the evidence put forward in the Commissioner's report, *Appreciating Age*.

The Commissioner continues to directly challenge the negative stereotyping of older people and the unfair and untrue view that older people take more from society than they put in. The evidence now exists that older people remain net contributors to society in economic as well as social terms.

The full report can be found at [www.copni.org/publications](http://www.copni.org/publications).



The Commissioner for Older People, Claire Keatinge launching Appreciating Age on International Day of Older Persons.

# PROTECTING OUR OLDER PEOPLE IN NORTHERN IRELAND

## A Call for Adult Safeguarding Legislation

**Most older people live day-to-day free from the risk of harm, but as people become older vulnerability to harm can increase and people can require additional support to keep them safe, secure, healthy and flourishing.**

Abuse of older people takes many forms. It can take place in people's own homes or in institutional settings. Perpetrators of abuse include 'friends', family members, neighbours, paid health and social care staff and others who have access to vulnerable or frail older people who can be bullied and intimidated. Abuse can be physical, financial, sexual, and psychological and can include neglect. All of these create fear and destroy the older person's quality of life and right to enjoy their later years.

The Commissioner is aware that older people want to have confidence and certainty that they will be protected from harm. There is a significant increase year on year in the

numbers of reported allegations of abuse against older people and more cases than ever are being reported to the Northern Ireland Adult Safeguarding Partnership. There is growing awareness that abuse of older people has always taken place, and acceptance that everything possible must be done to protect older people from abuse.

The laws that protect everyone from harm can be and are used to protect older people, but there are additional powers needed to ensure that abuse of older people can be properly investigated and actions can be taken to protect older people from further harm. Immediate protection must be provided where necessary and professionals must be able to intervene effectively when an older person is being abused.

Through extensive engagement with older people and their representative organisations the Commissioner received feedback indicating that there was a lack of clear legal guidance for older

people, their families, carers and practitioners leading to a poor understanding of the laws protecting older people.

The Commissioner examined the adequacy and effectiveness of the legal framework that enables social and care workers, health workers, police officers and others to provide adequate, timely and effective protection to older people at risk of harm. The Commissioner notes the progress to improve protection of all people who have diminished capacity, however many older people with full mental capacity still live at risk of harm.

New legislation and guidance for those responsible for the protection of older people at risk of harm is urgently needed. The Commissioner's call for new Adult Safeguarding Legislation received unanimous support from MLAs during a debate in the Northern Ireland Assembly. This must be a priority for action by Government.

## Actions & Findings

**A1** The Commissioner obtained research from a consortium of academics and practitioners from Queen's University Belfast and the University of Ulster, to compare adult safeguarding law and practice in Northern Ireland, the United Kingdom, the Republic of Ireland, America and Australia.

**A2** The Commissioner undertook wide-ranging discussions and engagement with adult safeguarding professionals, organisations working with older people, legal practitioners including members of the Judiciary and senior representatives of the Health and Social Care Trusts.

**F1** Older People in Northern Ireland are not protected by specific, dedicated adult safeguarding legislation equal to the laws operating in England, Wales and Scotland.

**F2** Current legislation to protect older people from abuse is unclear, disjointed, draws upon several different laws, and whilst it offers protection to individuals who have been deemed to lack mental capacity, those with mental capacity are not afforded the same protections from abuse.

**F3** There is a need for a single Adult Safeguarding Bill in Northern Ireland to increase the powers and duties of those charged with protecting older people at risk of harm.

**F4** In addition to the specific recommendations made to Ministers, the Commissioner further outlined five areas of proposed legislative change that would merit further consideration at Departmental level.

**A3** The Commissioner then published and launched a report, *Protecting our Older People: A call for Adult Safeguarding Legislation* in June 2014.

**A4** The Commissioner met with the Ministers for Justice, and for Health, Social Services and Public Safety to formally present the recommendations from her report.

**A5** The Commissioner and Professor John Williams of Aberystwyth University gave advice and evidence to the Committee for Health, Social Services and Public Safety.

In her report *Protecting our Older People in Northern Ireland – A call for Adult Safeguarding Legislation* the Commissioner recommended the introduction of a single Adult Safeguarding Bill which would clarify and modernise the legislative framework protecting older people in Northern Ireland.

Older people cannot wait any longer to be better protected from the scourge of abuse. It is vital that new adult safeguarding legislation is brought in without delay by the Northern Ireland Assembly.

The full report and detailed recommendations are available at [www.copni.org/publications](http://www.copni.org/publications).



Professor John Williams, Aberystwyth University, The Commissioner for Older People, Claire Keatinge, Edwin Poots MLA, the then Minister for Health, Social Services and Public Safety and Lesley McDowell, Chair of Northern Ireland Association of Social Workers at the launch of the report.

# WORKING LONGER IN NORTHERN IRELAND

## Valuing an Ageing Workforce

**Many of us have the potential to live longer, healthier and more economically productive lives than previous generations. This is great news for society and for our economy. Often we hear about how much longer people will need to work, and the removal of the mandatory retirement age is often reported in a negative light. However, many older people including a large number of people already in receipt of state pension want or need to remain economically active. In Northern Ireland our workforce tends to continue in a traditional pattern of full-time work to the age of retirement followed by a sudden stop and the beginning of an economically less active retirement. Negative stereotyping of older workers still exists and can be detrimental to both employees and employers.**

Many people want to work into later life. Some older people continue working because they need the income, whilst others say they like the company and feeling valued; they enjoy making a contribution and being part of a team, and they add value to the business they work in and the wider economy. Older workers are usually experienced in their field, make significant contributions to a range of types of employers, work well as team members, are keen to learn new skills, and deserve the opportunity to work in jobs that suit them for as long as they want to.

Too many employers do not invest in the positive recruitment and Human Resource practices that would assist older people to remain in employment. Employers would benefit

considerably from understanding what they can gain by giving older workers opportunities, and valuing their positive contribution and experience. Inclusive recruitment practices, training and development, supporting employee health and wellbeing, better support for flexible working and for carers and more skill and confidence of managers to manage and support an age diverse workforce are all essential.

Government can lead Northern Ireland to a more prosperous and sustainable future by promoting the value of older workers to the economy, and supporting employers to develop and manage age diverse workforces. As a society we also need to examine if there are more productive patterns of employment and retirement that are

more beneficial to both employees and employers. The Commissioner highlighted the economic and social case

for supporting older people to remain in employment in Northern Ireland, and debated among employers

and older people what practical steps needed be taken to increase support for an ageing workforce.

## Actions & Findings

**A1** The Commissioner convened a series of meetings with employers, employees and recent retirees to establish the different perspectives on working in and employing an ageing workforce.

She also met with older people seeking employment.

**A2** The Commissioner commissioned external research from the International Longevity Centre that was specifically focused on Northern Ireland evidence of the labour market, demographics and economic analysis.

**F1** There is a strong economic case for employers to better support employees to work beyond 65 on the basis that the number of people aged 16-64 is expected to fall by 1.9% between 2013-2037, whilst the number of people aged over 65 is projected to increase by 75%.

**F2** Economic output could be 4.4% higher in 2037, which translates to £2.3 billion, if employment rates for the over 65s continued to increase rather than remaining stagnant.

**F3** There are demonstrable benefits of an age-diverse workforce and the research evidence dispels the myth that older people are less effective and take more sickness leave.

**F4** There is no evidence supporting the view that older people remaining in work, threatens jobs for younger people.

**A3** The Commissioner published a report of findings *Working Longer in Northern Ireland - Valuing an Ageing Workforce* and launched the recommendations to Government arising from the research.

**A4** The Commissioner met with the Minister for Employment and Learning to formally present the recommendations from her report.

**A5** The Commissioner gave advice and evidence to the Employment and Learning Committee regarding findings of the research and proposals for change.

The Commissioner published a report *Working Longer in Northern Ireland - Valuing an Ageing Workforce* which set out recommendations to government and employers. The full report and detailed recommendations are available at [www.copni.org/publications](http://www.copni.org/publications).

## Summary of Recommendations

### To the Minister for Employment and Learning:

- Employment policies should reduce the extent to which retirement is a 'cliff edge' event.
- Increase awareness of the deferral of state pension rules and make the benefits of deferral clearer.
- Increased support for those providing informal care.
- Steps to tackle unemployment and economic inactivity must include measures to include older people.
- Investment in learning and development should include older people including subsidies for training and retraining of older workers changing their employment.
- Investment by the Executive in information campaigns to show employed older people's positive contribution.
- Rebalancing the current system of funding for employers through apprenticeships.

### To Employers

- Strategically consider the consequences of our ageing society and associated employment practices.
- Greater provision for flexible working and phased retirement.
- Increased encouragement and use of occupational health to help identify health problems early.
- More promotion of healthy living in workplace.
- Better recruitment processes to ensure older age not used as a reason not to hire someone.
- Support the take up of training and development by all age groups.



Lisa McIlvenna, Business in the Community NI, Junior Minister Jennifer McCann, Nixon Armstrong, Northern Ireland Pensioners Parliament, the Commissioner for Older People, Claire Keatinge, Ben Franklin, International Longevity Centre – UK and the then Junior Minister Jonathan Bell at the report launch.

# SUPPORTING OLDER CARERS

## Examining the Reasons for the Low Level of Uptake of Carers Assessments by Older Carers in Northern Ireland

**Caring for family, friends and neighbours has been and remains an important part of our history and culture. Thousands of older people provide care for their partner, spouse or adult child with disabilities so that they can continue to live at home in the love, company and surroundings that are familiar to them. There is not enough support for older carers – many of whom have health challenges of their own. Caring can be very rewarding, and most carers want to do the very best they can to support the person who needs care but it is also demanding and tiring and can lead to social isolation and living on low incomes. Too often, older carers do not get the respite care, training, information or support they need and their own health and wellbeing suffers.**

Older carers must be a significant priority for Government action with the respite and support services

they need provided at a much higher level than currently available.

The 2006 Government strategy, *Caring for Carers*, includes lots of information about and for carers. It specifically says that “Carers are real and equal partners in the provision of care”. This is not the reality for a lot of older people providing care for relatives and loved ones. The Commissioner’s engagement with older people paints a very different picture of what it is like to be old and providing care for a spouse, sibling or a younger person with special needs. It is a stressful, difficult and tiring job, especially for those coping with ill health or disability themselves.

As carers these older people are entitled to an assessment of their own health and support needs. There are two key purposes for such an assessment;

- It enables the carer to manage their own needs

effectively, and to seek appropriate help and assistance.

- It also enables the Health and Social Care system to plan services for carers and to understand the size and scale of caring being provided by carers.

The assessment process examines information from all the different aspects of an individual’s life as a carer and provides the opportunity for that carer to talk with a social care professional about what could better support them in their caring role. The outcome of a carers assessment can result in the provision of help and support to assist the carer with their needs.

There is a low uptake of these assessments in Northern Ireland. The Commissioner undertook primary research to increase understanding of the low rates of uptake and what impact the low rate of assessments is having on carers, the Health and Social Care system and the provision of services to carers.

## Actions & Findings

**A1** The Commissioner undertook research to establish why Northern Ireland has such a low uptake of carers assessments by older carers and what impact this has on the carers and on the wider Health and Social Care system.

**F1** The level of uptake of carers assessments by older carers remains unacceptably low, despite a statutory obligation by the Health and Social Care Trusts to inform carers of their right to an assessment.

**F2** There are no targets set for the Health and Social Care Trusts to help to identify older carers and to deliver on their statutory requirement to carry out assessments of the carers needs.

**F3** The Health and Social Care system cannot make plans, design and deliver services for carers based on evidence of need as it is not adequately measured.

**F4** The process of assessment is viewed by many older carers as a “paper exercise” that does not result in the support and services needed by the older carer and the administration process of the carers assessment needs to be carried out in a way that reassures the older carer and is flexible to their needs.

**F5** Some older carers fear that receiving a carers assessment is in some way linked to their benefits and entitlements, and could cause a loss of service or support.

**A2** The Commissioner published the findings of the research and made a series of recommendations to the Minister for Health, Social Services and Public Safety on how the uptake of carers assessments could be improved.

The Commissioner gave the following advice to the Minister for Health, Social Services and Public Safety in relation to improving the uptake of Carers Assessments by older carers;

- Set clear targets for the assessment of the needs of older carers.
- Increase awareness of support services available to older carers.
- Provide assurance that the needs of older carers will be met, so that they can continue caring for as long as possible.
- Increase flexibility around the process of assessing the needs of carers.
- Change the focus of the assessment form and make it easier, focussing on the support and assistance available to older carers.

Government in Northern Ireland must do more to support older people who continue to provide care for others. It must be made easier to seek and get help, to have your own health and social care needs met, and to know where to turn at a time of crisis.

The Commissioner calls on the Minister for Health, Social Services and Public Safety to implement the recommendations.

It is time for a new strategy for carers and this time, the strategy must focus on real and practical assistance for those who are providing care.



Dr John Johnston with the Commissioner for Older People, Claire Keatinge at the launch of Supporting Older Carers.

# CHANGING THE CULTURE OF CARE PROVISION IN NORTHERN IRELAND

**Certainty that high quality care is available to every older person who needs it, when they need it, and at the level and quality they need is absolutely essential. It is important that older people and their relatives can have confidence in the system and delivery of regulated care services in Northern Ireland.**

The Commissioner is aware of care for older people that is of high quality and meets the needs of the individual older person. However, the legal casework and advocacy undertaken by the Commissioner, engagement directly with older people, reports by the Regulation and Quality Improvement Authority (RQIA) and media reporting of instances of poor care highlight issues of ongoing concern. The Commissioner is concerned that standards of care in some care services are not operating at an acceptable level and that the amount of domiciliary care provided to

support older people at home can be insufficient.

Across nursing, residential and domiciliary settings, older people are still not confident or certain that they will be cared for in ways that support them to live dignified and fulfilled lives. Timely enforcement action, better support and protection for individuals in care as well as whistle blowers would lead to improvements in the overall culture of care in Northern Ireland.

The adverse effects of poor care on older people's lives can be devastating. Poor quality care, thinking of older people as passive and helpless, not taking their views and preferences into consideration and not providing enough care all chip away at the older person's dignity, rights, confidence and sense of self-worth.

Radical change is required. Government must plan,

resource, and ensure good quality of care is available.

Older people must be absolutely certain that if they become frail, live with dementia, experience or are at risk of abuse, or are otherwise vulnerable, the care services they need will be available to them without question at the level they need, and the quality they deserve.

The Commissioner's concerns were further exacerbated by the findings of the RQIA in the report titled *Independent Review of the Actions Taken in Relation to Concerns Raised about the Care Delivered at Cherry Tree House, Carrickfergus*. The independent review outlined significant and repeated failures of regulated care including a lack of timely enforcement action, a lack of protection and support for the whistle blower, an inspection process lacking in a person-centred focus, a lack of protection for individuals and a poor culture of care.

## Actions & Findings

**A1** The Commissioner undertook research into the provision and regulation of care in Northern Ireland and systems in place elsewhere in the UK and Ireland.

**A2** The Commissioner engaged with academics, senior figures from those who provide care in England, Wales and Scotland, older people's groups, carers' groups, trades unions, and family representatives.

**A3** The Commissioner conducted a series of interviews with a wide range of stakeholders including those who receive care services. These were examined alongside a review of the law and policy in place to determine care standards.

**F1** The Commissioner found that there are instances of excellent care providers and workers who are dedicated to providing high quality care that supports older people to live full, dignified lives, through to the end of life.

**F2** There are also unacceptable instances of poor care and a failure to deal appropriately with it by the statutory bodies and agencies charged with regulation, inspection and service delivery.

**F3** The Commissioner developed thirteen recommendations included in *Changing the Culture of Care Provision in Northern Ireland* which ranged from care standards and inspection processes, enforcement, whistleblowing and protection, and cultural changes in the provision and management of care services.

**The Commissioner provided the following advice to the Minister for Health, Social Services and Public Safety;**

- 1.** The rights, quality of life, dignity and care needs of vulnerable older people should be at the heart of planning, delivering, regulating and inspecting care services; it is their needs that must matter the most.
- 2.** Standards for the care of vulnerable older people should be clearly displayed and available to all service users and their families and relatives of all nursing, residential and domiciliary care services as well as for any prospective users.
- 3.** Inspection processes should be rigorous, with decisive and timely enforcement action taken when failings are detected.
- 4.** The regulation and inspection service should include a rating system for care homes and domiciliary services. In addition to an overall rating, it should clearly identify if there are any breaches of regulations or failures to comply with improvements required.
- 5.** There should be clear and rigorously applied sanctions taken against care providers for non-compliance with the minimum standards.
- 6.** Persistent or serious breaches of regulation and/or compliance should result in decisive sanctions being applied without delay and within a defined timeframe. The sanctions that should be applied should include de-registration of owners and managers, home closure, financial penalties as well as suspension of new admissions to care homes, and domiciliary care services.
- 7.** Health and Social Care Trusts should not continue to place vulnerable older people in nursing and residential care homes, or with domiciliary care services, where there are serious unresolved compliance failures and unacceptable standards of care.
- 8.** New legislation to better protect older people from abuse should be enacted in Northern Ireland without delay. This should include a criminal charge of 'corporate neglect' to allow prosecution of care home and care

service owners who abuse and neglect older people in homes they own or services they run.

9. Health and Social Care Trusts and older people who self-fund their care should be entitled to a refund of part of their fees paid for any time that a care home fails to meet the required standards.
10. 'Whistleblowers' and older people or relatives who raise concerns about poor care or abuse should be better supported and better protected from unfair treatment.
11. A well-trained and registered social care workforce, which is respected, valued and properly remunerated with opportunities for career progression, is essential.
12. Complaints processes, safeguarding procedures and details of the organisations which can assist complainants should be made clear to all prospective and current service users, their relatives and staff of care services.

13. The contract through which older people occupy care homes should be reviewed so that as long as the care home can meet their assessed needs, they cannot have their tenancy terminated without due process, reasonable due cause, and without appropriate alternative care being in place.

This report tackles one of the most complex and multi-faceted issues that affect older people. The system of care provision, regulation and inspection and accountability for the safety of older people in care settings involves a wide range of Government departments and agencies, contractors and private sector providers.

The Commissioner has expressed her frustration that it is difficult to find a single accountable organisation or person and her concern that this situation perpetuates the risk that older people are not adequately protected from poor treatment or sub-standard care.

The Commissioner reiterates her advice and calls on the Minister to implement the recommendations from *Changing the Culture of Care Provision in Northern Ireland* or explain to older people in Northern Ireland how he will improve care for older people.

The full report is available at [www.copni.org/publications](http://www.copni.org/publications).

# PREPARED TO CARE?

## Modernising Adult Social Care in Northern Ireland

**Care and support when we need it is important to everyone. Whether it be for ourselves, a relative or friend, everyone knows someone who depends on care services to support them to lead dignified and fulfilled lives. We must all have certainty that high quality care and support will be available when we need it. This care and support can be provided at home, in residential or other community settings.**

The Department of Health, Social Services and Public Safety defined Adult Social Care in their publication *Who Cares? The Future of Adult Care and Support in Northern Ireland*. The definition of Adult Social Care is “services provided or secured by HSC Trusts towards adults who need extra support, either to live their lives as independently as possible, who are vulnerable or who may need protection. Examples of services include day care, domiciliary care, nursing and residential

home care, equipment and adaptations and the provision of meals”.

High quality care and support, whether in day centres, at home or in nursing or residential homes, treats older people with respect and puts their needs and individual choices at the heart of the service. Care and support should be provided early, when older people can be supported with a ‘little bit of help’ to remain independent and active as well as when needs become more complex.

Older people have told the Commissioner that they and their families are uncertain about what to expect from social services, what they are entitled to, what services are available and who to turn to when asking for help. Many older people only receive an assessment of their needs for social care after a period of ill health, a fall or a crisis. There is a widespread lack of knowledge about what social care older people can expect and may be entitled to.

Older people tell the Commissioner that uncertainty of this kind makes it harder to plan for the future, understanding their rights and entitlements. Families and carers of older people are often subject to additional stress when they try to cope with changing circumstances and don't know who to turn to for help. The Commissioner is concerned that older people are living with this degree of uncertainty around the provision of services that directly affect the quality of their lives.

The law and policy surrounding Adult Social Care dates back some 40 years. The legal framework is out-dated, unclear and uses old fashioned terminology and definitions that do not apply to older people any more. Northern Ireland now needs new legislation to set out clearly how adult social care will be developed, resourced and provided – with a clear focus on making sure that older people know what their rights and entitlements are.

## Actions & Findings

<b>A1</b> The Commissioner engaged with professional health and social care practitioners to gain insight into the current legislative framework and to assess if it remains adequate and fit-for-purpose.	<b>A2</b> The Commissioner asked a team of leading academics in the field of Adult Social Care from Queen's University Belfast, the University of Leeds and Pennsylvania State University (USA), to review the law and policy in Northern Ireland and compare it to international good practice.
<b>F1</b> Current legislation and policy guidance is outdated, confusing and fragmented both for practitioners and for older people.	<b>F4</b> There is a lack of direct and reliable data being collected in relation to current service provision and unmet need.
<b>F2</b> Older people are not clear about the social care services that are available to them or how to access these services.	<b>F5</b> There is evidence of regional and geographic differences in services provided, and there appears to be a 'postcode lottery' emerging in the provision of care services around Northern Ireland.
<b>F3</b> Legislative reform that is person centred and based on human rights principles is required to bring Northern Ireland legislation and practice up to a similar standard as other UK countries.	
<b>A3</b> The Commissioner and her team developed a set of recommendations on how best to reform Adult Social Care for Northern Ireland.	<b>A5</b> The Commissioner published a report <i>Prepared to Care? Modernising Adult Social Care in Northern Ireland</i> in June 2015 to an audience of policy makers and stakeholders, which featured contributions from the Department of Health, Social Services and Public Safety and leading health economist from the London School of Economics, Mr Raphael Wittenberg.
<b>A4</b> The Commissioner engaged directly with older people using AgeNI Peer Facilitators to gather evidence of the problems older people experience arising from poor law, guidance and practice. Older people provided a rich source of information about positive and negative aspects of their contact with the Health and Social Care system.	

The Commissioner delivered a report to the Minister for Health, Social Services and Public Safety. The report contained specific advice;

- There should be a new single legislative framework for Adult Social Care with accompanying guidance for implementation.
- All older people in Northern Ireland should be offered a Support Visit upon attaining 75 years, by an appropriately trained professional.
- Future funding arrangements must be equitable and must not discriminate against any groups including older people who may have higher levels of need.

The Commissioner is calling on the Minister for Health, Social Services and Public Safety to examine the changes to law and practice that would bring clarity to older people about the type, level and quality of social care they can expect and to provide updated legislation that supports better practice and more clarity for older people.

The full report is available at [www.copni.org/publications](http://www.copni.org/publications).



Dr Joe Duffy, Queen's University Belfast, the Commissioner for Older People, Claire Keatinge, Marjorie Aitken, Mr Raphael Wittenberg, London School of Economics and Dr Gavin Davidson, Queen's University Belfast at the launch of Prepared to Care? Modernising Adult Social Care in Northern Ireland.

# ACTIVE AGEING STRATEGY

**When the Commissioner took up post Government was developing a ten-year strategy to promote 'Active Ageing.' The concept of 'Active Ageing' is described by the World Health Organisation as continuing participation in social, economic, cultural, spiritual and civic affairs, not just the ability to be physically active in terms of physical exercise or to participate in the labour market. This means it's about being active in whatever way suits a person's preferred way of living.**

Throughout her four-year term the Commissioner chaired an Aging Strategy Advisory Group (ASAG) comprising members from a range of older people's organisations and other agencies with expertise on ageing issues. The ASAG has informed Government on the content aims and tone of the developing strategy.

The content of the draft *Active Ageing Strategy* outlines Programme for Government activities in line with the 5 key aims of the UN Principles of Ageing:

- Independence
- Participation
- Care
- Self-fulfilment
- Dignity

## Actions & Findings

**A1** The Commissioner chaired 14 meetings of the ASAG.

**A2** She held information briefings with the ASAG including introducing the prominent expert on 'Active Ageing', Professor Alan Walker.

**A3** The Commissioner provided advice to OFMDFM Junior Ministers and officials on the development of:

- The strategy;
- Action plan; and
- Indicators to monitor progress of the strategy post-implementation.

**A4** The Commissioner has also published a written response to the public consultation of the draft *Active Ageing Strategy*.

The development of an Active Ageing Strategy for Northern Ireland is a welcome start but a lot more is required and Government must take a decisive lead in order to achieve the goal of healthy older people who are supported to enjoy the life that they want to lead, and who remain a positive resource for their families, communities and the economy.

The Commissioner is supportive of the intent of the emerging Strategy in drawing together the current activities of government and joining up the activities of departments where they can improve the provision of a service. The Commissioner also welcomes a clear statement of the positive contribution of older people and their value to society.

Implementation of all actions included in the emerging strategy will be vitally important to deliver the improvements to services for older people in Northern Ireland. The Commissioner is grateful for the work and expertise of the ASAG and calls on Ministers to agree and launch the Strategy, and to ensure focus remains on the delivery of services for older people.

# ELIMINATING AGE DISCRIMINATION IN THE PROVISION OF GOODS, FACILITIES AND SERVICES

**Older people and their representative organisations have been asking Government to provide greater legal protection from discrimination for some time and the Executive committed to the introduction of legislation in the Programme for Government (PfG) 2011-2015 that would make it unlawful to discriminate against a person on the basis of their age in relation to the provision of goods, facilities and services.**

Although people in Northern Ireland are protected from ageism and discrimination in employment, older people here do not enjoy the same protections as older people in England, Wales and Scotland against discrimination on the grounds of their age with regards to the provision of goods, facilities and services.

The Commissioner has been made aware that older people are being discriminated against on the basis of their age in areas such as health and social care, financial services, retail services and accommodation services. Some examples of the unfair age based practices that have been identified in research include:

- Some insurers using age as a proxy for risk and excluding people from accessing financial services purely on the basis of age;

- Some retailers assuming that older people are incapable of signing a contract without a younger person present to explain the details; and
- Some older people being denied access to particular medical treatments on the basis of their age.

The Commissioner has worked closely with Age Sector Platform and Age NI to hold Government to its commitment to introduce age discrimination legislation that protects older people. Along with the Equality Commission for Northern Ireland and the Northern Ireland Commissioner for Children and Young People, the Commissioner has encouraged Government to place duties on public authorities to end discrimination, promote equality of opportunity for people of different ages, and

also to encourage positive attitudes and relations between people of different ages. Legislation on its own will not get rid of ageist attitudes in our society but it is vital for older people in order to be able to challenge discrimination when it occurs

At publication of this report, the Office of the First Minister and Deputy First Minister has commenced a public consultation on proposals for new legislation that will protect everyone over the age of 16 from discrimination on the basis of their age in relation to the provision of goods, facilities and services. The Commissioner is contributing to the consultation and the ongoing scrutiny of any proposed legislation to ensure that the views and interests of older people are promoted and safeguarded.

# DOMICILIARY CARE

**Most older people want to stay in their own homes for as long as possible with the support of high quality domiciliary (home care) services that support and assist them to lead dignified and independent lives. The majority of older people who receive domiciliary care greatly value it and appreciate their care workers. The Government policy 'Transforming Your Care', published in 2011 proposed a shift towards more community and home based services for older people so the need for hospital based interventions could be reduced.**

According to the Department of Health, Social Services and Public Safety's (DHSSPS) Domiciliary Care Services for Adults survey (2014), Health and Social Care Trusts provided domiciliary care services for 24,189 clients with 84% of clients aged 65 & over. This is a one percent increase from 2013. However this means that older people with increasingly

complex needs, like dementia and other long term needs, will be supported through primary and community care provision. Yet the Department of Health in England has projected that there will be a funding gap in social care alone of £6 billion in England by 2027. As Northern Ireland is faced with the same pressures as England and the rest of the UK, it too can expect a proportionately similar shortfall in funding.

As part of the process towards providing increased levels of health and social care in people's homes, it is acknowledged that transferring people from hospital settings to home and community settings and enabling people to stay in their homes for as long as possible, requires skills in assessment, the management of risk, and the ability to work with people in a holistic way, addressing their physical, social and emotional needs. Yet over and over again, there are cuts in the time allowed for care visits; early interventions and 'that little bit of help' that are

provided. Care needs are often only met once they have reached a critical level. This failure to plan and finance the quality and amount of domiciliary care that is needed for today's and tomorrow's older people is inexcusable.

The Commissioner has carried out research that examined the current standards of regulation and inspection for domiciliary care and compliance with those standards. The project also aimed to examine the adequacy of current inspection regimes and determine what changes were needed to ensure service delivery was fit for purpose. There are many factors that affect the delivery of good quality domiciliary care; the assessment of need, the commissioning of services, the registration and rates of pay of care workers, the commissioning of services by Trusts and the standards of service delivered and regulated. Changes are required across all of these factors to improve the level and standards of services provided to older people in their own homes.

## Actions & Findings

**F1** For many older people, home is a place of great significance as it has emotional and physical ties and evidence shows that domiciliary care allows older people to remain in the community for longer, postponing or reducing permanent institutionalisation.

**F2** The introduction of the DHSSPS Transforming Your Care public health strategic framework in 2011 created a shift towards more use of community and home-based services so the need for hospital based interventions could be reduced.

**F3** Northern Ireland has an ageing population with the projection that the number of people aged 65 and over is projected to increase by 44% in the next fifteen years (2012-2027). This increase, coupled with an extra demand on the NHS will drive up the demand for community based care services, especially domiciliary care provision.

**F4** DHSSPS have also stated how the existing system cannot cope with the combined pressures of increased expectations, an ageing population and limited resources.

**A1** The Commissioner carried out research into the current practice and standards of regulation of service delivery in domiciliary care for older people.

**A2** The Commissioner's office engaged with domiciliary care users and workers as well as older people in receipt of domiciliary care services to hear directly from them about the experience of providing care and receiving care at home.

**A3** The Commissioner convened a summit attended by more than 100 people involved in the provision of care or in receipt of domiciliary care. The attendees

addressed a range of issues presented by Health and Social Care professionals, the RQIA, independent providers of domiciliary care, the Trades Unions representing workers, the Northern Ireland Social Care Council (NISCC), and strategic and economic experts.

The summit was held to highlight what good practice in delivery of domiciliary care should look like in Northern Ireland, to discuss the overarching trends in domiciliary care, both in the UK and internationally, and to determine what the needs and challenges will be in the coming years.

The future of domiciliary care in Northern Ireland requires a more focused and co-ordinated approach to design, commissioning, and delivery.

A post-summit report and advice to Government, the Health and Social Care Board, Health Trusts and service providers followed the summit and highlighted issues that require collective and co-ordinated action in order to make adequate improvements to the domiciliary care provided to older people in the future.

The Commissioner calls on Government to commit to and deliver clear planning, accountability and the resources to underpin well regulated and inspected services, a well trained workforce that is properly paid and care providers that meet the highest standards of care of older people in their own homes. Only then will older people be confident that their needs for care at home will be met now and in the future.

When published, copies of the post-Summit report will be available on [www.copni.org/publications](http://www.copni.org/publications).



# ANNEX 1

## LIST OF POWERS AND DUTIES

### **Commissioner for Older People (Northern Ireland) Act 2011**

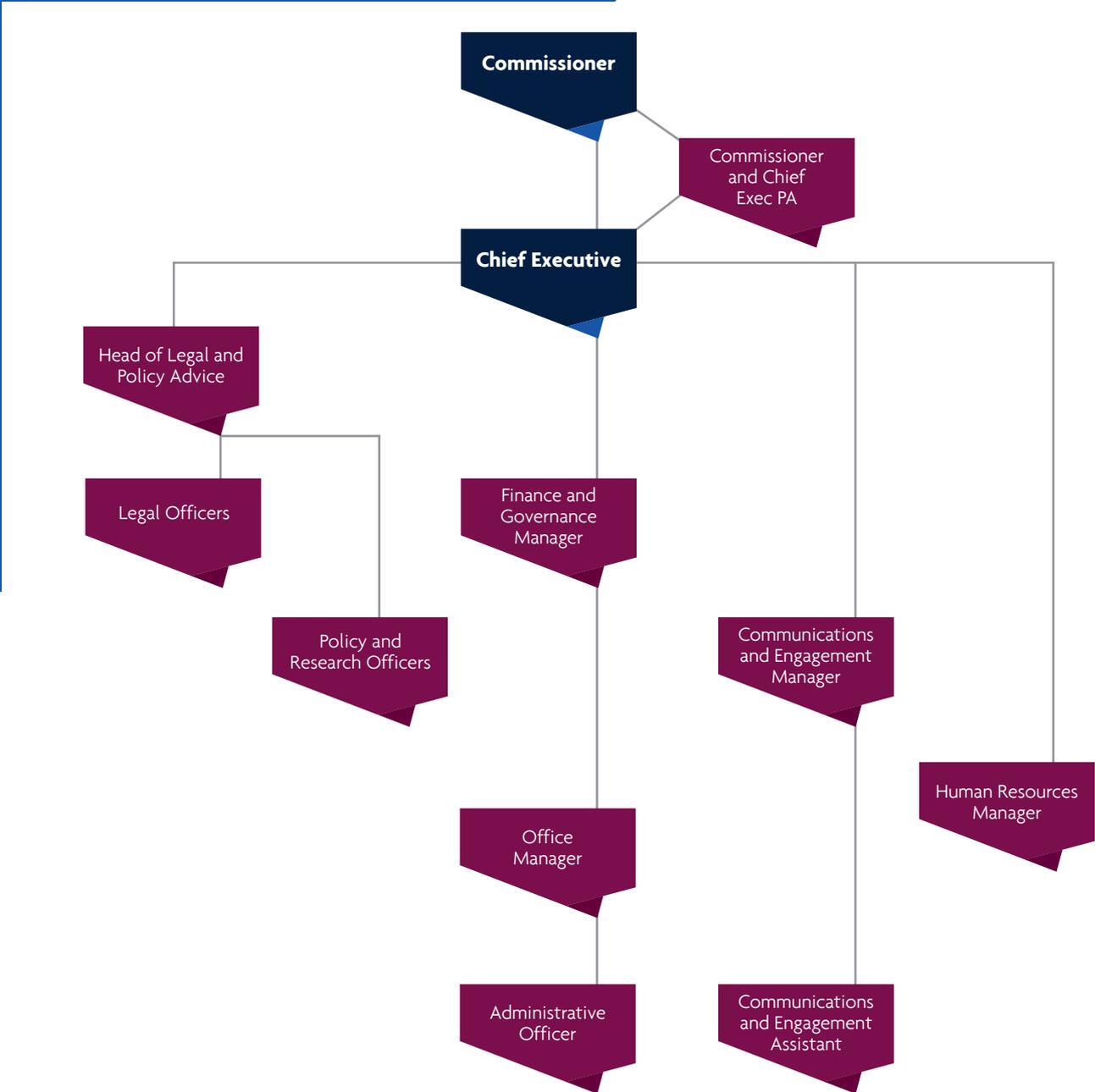
#### **The Commissioner's key legal duties are to:**

1. Promote awareness of the interests of older people in Northern Ireland.
2. Keep under review the adequacy and effectiveness of the law as it affects the interests of older people.
3. Keep under review the adequacy and effectiveness of services provided to older people by "relevant authorities".
4. Promote the provision of opportunities for and the elimination of discrimination against older people.
5. Encourage best practice in the treatment of older people.
6. Promote positive attitudes towards older people and encourage participation by older people in public life.
7. Advise the Assembly, the Secretary of State and any relevant authority on matters concerning the interests of older people.
8. Take reasonable steps to communicate with older people.

#### **The Commissioner's legal powers allow her to:**

1. Make arrangements for research or educational activities concerning the interests of older people.
2. Issue guidance on best practice in relation to any matter concerning the interests of older people.
3. Conduct investigations for the purpose of any of her functions.
4. Compile and publish information concerning the interests of older people.
5. Provide advice or information on any matter concerning the interests of older people.

# ANNEX 2 ORGANISATIONAL CHART



# ANNEX 3

## LIST OF REPORTS PUBLISHED BY THE COMMISSIONER FOR OLDER PEOPLE

Hope, Confidence and Certainty: Corporate Plan 2013-2015

An analysis of the clearance rates for crime against older people in Northern Ireland: 2007/08 to 2012/13

Working Longer in Northern Ireland: Valuing an Ageing Workforce

Supporting Older Carers: Examining the reasons for the low level of uptake of Carers Assessments by Older Carers in Northern Ireland

Protecting our Older People: A Call for Adult Safeguarding Legislation in Northern Ireland

Appreciating Age: Valuing the positive contributions made by older people in Northern Ireland

Changing the Culture of Care Provision in Northern Ireland: Commissioner's Advice to the Minister for Health, Social Services and Public Safety

Prepared to Care? Modernising Adult Social Care in Northern Ireland

The Commissioner's Report - A Summary of Advice to Government 2011-15





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ISBN: 978-0-9930725-7-4