

These notes refer to the Commissioner for Older People Act (Northern Ireland) 2011 (c.1) which received Royal Assent on 25 January 2011

Commissioner for Older People Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13 - Formal investigations

This Section gives the Commissioner the power to conduct formal investigations of the actions of those organisations known as relevant authorities (see Section 26 and Schedule 3).

These formal investigations differ from the informal or general investigations that the Commissioner has the power to do (see Section 4) in relation to any organisation.

The Commissioner would have the power to carry out a formal investigation of the following actions of relevant authorities both generally and in relation to cases involving individual persons:

- their advocacy arrangements;
- their complaints procedures;
- the inspection procedures to examine how they manage and treat older people;
- their “whistle blowing” arrangements.

The Commissioner also has the power to carry out a formal investigation of a complaint made by an older person against a relevant authority (Section 8).

This section gives detail on the procedures that should be followed when a formal investigation is being carried out. For example, terms of reference of the investigation must be written and sent to the relevant authority involved. Also the Commissioner must give the relevant authority the opportunity to give its opinion on the investigation and to offer evidence for this. All formal investigations must be carried out in private (see also Section 16). Apart from the procedures set down in this Section of the Commissioner for Older People Act (Northern Ireland) 2011 (see also Section 14) the Commissioner has the flexibility to carry out the investigation in the way that he/she believes is best. The Commissioner may obtain the information that he/she needs for the

These notes refer to the Commissioner for Older People Act (Northern Ireland) 2011 (c.1) which received Royal Assent on 25 January 2011

investigation from the people who hold it. The Commissioner is not required to arrange formal meetings at which people can speak and provide evidence.

Because attendance at meetings with the Commissioner can be expensive, the Commissioner is given the power to pay expenses or allowances for the loss of time of a person involved in a formal investigation.