

COMMISSIONER FOR OLDER PEOPLE (WALES) ACT 2006

EXPLANATORY NOTES

COMMENTARY

Section 8: Assistance

33. *Subsections (1) and (3)* enable the Assembly to make regulations giving the Commissioner power to assist an older person in Wales who is making a complaint or representation to or in respect of the Assembly, a person providing regulated services in Wales, or a person listed in Schedule 3 (along with a person who provides services on such a person's behalf). The complaint or representation must, when made to, or in respect of, a person providing regulated services in Wales, be about the provision of those regulated services in Wales and, when made to, or in respect of, a person listed in Schedule 3, be about the discharge of (or failure to discharge) any of that person's relevant functions (i.e. those subject to review by the Commissioner under section 3). This could include, for example, a complaint or representation about the way in which a person listed in Schedule 3 has commissioned the provision of services by others. The complaint or representation must, when made to a person who provides services on behalf of a person listed in Schedule 3, be about the provision of a relevant service. This is defined in section 6(4)(f) as a service provided in Wales which, if provided directly by the Schedule 3 person, would be a relevant service. Thus in the case of certain private bodies providing services in the field of public healthcare, it is limited to services provided in that field.
34. The regulations may also give the Commissioner power to assist an older person in Wales who is taking part in any procedure or proceedings (including prospective proceedings) of a description to be prescribed. *Subsection (4)* provides that assistance includes that of a financial, representative or advisory nature and *subsection (2)* provides that it can include assistance to individuals who were, but are no longer, older people in Wales (as defined in section 24(3)). This could include, for example, an older person who has, since the incident complained of, moved out of Wales. Under the provisions of *subsection (5)*, regulations may impose conditions on the giving of assistance, including the requirement for repayment of financial assistance, in prescribed circumstances.