



2011 CHAPTER 1

Functions of the Commissioner

Review of advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities in individual cases

6.—(1) Subject to subsections (2) and (3), the Commissioner may review the operation of any arrangements to which this section applies in the case of a particular older person (or, as regards inspection arrangements, in the case of any particular premises).

(2) The Commissioner may not exercise the Commissioner's power under subsection (1) in relation to the operation of any arrangements made by a relevant authority in the case of a particular older person unless the Commissioner has reasonable grounds to believe that—

- (a) the arrangements in question were ineffective in safeguarding and promoting the interests of the older person concerned; or
- (b) those arrangements did not operate, or were operated incorrectly, in relation to the older person concerned.

(3) The Commissioner may not review the operation of the inspection arrangements made by a relevant authority unless it appears to the Commissioner that there is no other body or person likely to review those arrangements.

(4) The power conferred by subsection (1) to review the operation of any arrangements includes power to review the failure of any such arrangements to operate.

(5) Where a relevant authority has failed to make any arrangements of a kind mentioned in subsection (1), the Commissioner may assess the effect of that failure on any particular older person.