



Commissioner for **Older People**  
for Northern Ireland

## **Consultation on Provision of Discretionary Support 2013**

**Department for Social Development (DSD)**

**Response submitted by the Commissioner for Older People  
for Northern Ireland**

**April 2013**

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## Executive Summary

1. The Commissioner welcomes the opportunity to contribute to the public consultation on the provision of Discretionary Support for Northern Ireland. The Commissioner notes that, due to the proposed introduction of welfare reform, the removal of elements of 'The Social Fund' scheme are inevitable. These proposed changes are set to lead to the replacement of the existing Discretionary Social Fund scheme. The new provision will be known as Discretionary Support.
2. The Commissioner recommends that DSD undertake proportionate impact assessments (in addition to the research report) of the proposed options to show how each will affect older people in Northern Ireland.
3. The Commissioner is of the view that Discretionary Support, like the Social Fund must continue to support the most vulnerable in Northern Ireland. The Commissioner is keen to highlight the importance of both Community Care Grants and Crisis Loans for older people in Northern Ireland with over 'six thousand claims made in 2011/12'.<sup>1</sup>
4. The Commissioner is keen for any new arrangements to be fully accessible for all older people. Under the Social Fund, eligibility for Crisis Loans or Community Care Grants relied on people receiving income based support like pension credit. The Commissioner believes that for Discretionary Support to be fully effective, eligibility must go beyond parameters as set within the Social Fund which could potentially discriminate against older people who do not avail of the pension credit to which they are entitled.
5. The Commissioner notes the positive impact which the Social Fund holds for older people in Northern Ireland and therefore is keen to broadly support the continuity of both Community Care Grants and Crisis Loans. The Commissioner feels that both Crisis Loans and Community Care Grants provide a safety net for older people and help to prevent spiralling debts as a result of alternative loan methods.
6. The Commissioner, in principle agrees that 'the direct provision of goods rather than cash payments' may have a positive impact and ensure that the system is not abused. Whilst value for money is essential in any new arrangement, so to, must be a continued commitment to quality of goods for older people which meet the individual need. The Commissioner welcomes the need for frugality though is keen to highlight that lowest cost does not always represent the best possible value.
7. The Commissioner notes the proposed amendment to eligibility for financial support through the lowered tariff of accumulated debt. The new proposal within Discretionary Support will decrease the maximum level of debt from £1,500 to

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<sup>1</sup> Provision of discretionary support-Policy Screening-DSD

£1000<sup>2</sup> for eligibility of support. Whilst the Commissioner feels it crucial that older people do not find themselves in a position of spiralling debt, she is also keen to stress that every case should be based on individual merit. The cap on accumulated debt should not leave older people in crisis or vulnerable to higher debts from private loan providers.

## Introduction

1. The office of the Commissioner for Older People for Northern Ireland (the Commissioner) is an independent public body established under the Commissioner for Older People Act (Northern Ireland) 2011.
2. The Commissioner has responsibility for an extensive range of general powers and duties which will provide the statutory remit for the exercise of her functions. In addition the Commissioner may provide advice or information on any matter concerning the interests of older persons.
3. The Commissioner's powers and duties are underpinned by the United Nations Principle for Older Persons (1991) (see appendix A). The wide ranging legal powers and duties includes amongst others:
  - To keep under review the adequacy and effectiveness of law and practice relating to the interests of older people
  - To keep under review the adequacy and effectiveness of services provided for older persons by relevant authorities
  - To promote the provision of opportunities for and the elimination of discrimination against older persons
  - To review advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities
  - To assist with complaints to relevant authorities
  - The investigation of complaints against relevant authorities
  - The power to bring, intervene in or assist in legal proceedings
  - The conciliation of disputes
  - Formal investigations, evidence in formal investigations
  - Powers of entry and inspection for purposes of formal investigation
4. The Commissioner welcomes the opportunity to respond to the Department for Social Development's (DSD's) document entitled 'Provision of Discretionary Support' that will result in significant changes to future support provision for older people in Northern Ireland.
5. DSD has outlined a number of questions to which they would particularly welcome views. The Commissioner offers a limited response to these issues in seeking to confine her response within her core area of responsibility.

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<sup>2</sup> Provision of discretionary support-Policy Screening-DSD

## Background

6. The Commissioner acknowledges that the current provisions of the Social Fund are to be abolished. The Commissioner is keen to help the shaping of a new arrangement for Discretionary Support which will provide a much needed safety net for older people and ensure that the most vulnerable in Northern Ireland are protected.
7. 'Evidence shows that pensioners are statistically one of the groups most likely to experience poverty and disadvantage.'<sup>3</sup> Therefore funding support in the form of Crisis Loans and more specifically Community Care Grants provide a much needed financial boost to thousands of older people in Northern Ireland.
8. Population projections have indicated that the number of people aged 85 years and over is likely to increase by 83% by 2025<sup>4</sup> and <sup>5</sup> may further increase pressure on support measures like Discretionary Support. Therefore it is important that any new arrangement is sustainable and fair for all older people.
9. Older people represent the biggest group of claimants for Community Care Grants. In 2011/12 24% of these grants were received by people over 65 years old<sup>6</sup>. More than six thousand older people claimed either Crisis Loans or Community Care Grants in 2011/12. It is therefore imperative that older people continue to have access to financial provision through Discretionary Support.
10. The issue of welfare reform is particularly pertinent to the purpose of the Commissioner's work in safeguarding and promoting the interests of older people in Northern Ireland and upholding the UN principles for older people.
11. It is the view of the Commissioner that the Department must clearly set out how best to ensure that older people can receive sufficient financial support to meet any unmitigated emergencies or crises.

## Key Issues

### Protect the most vulnerable

12. The new arrangements for Discretionary Support must continue to provide a safety net for older people in Northern Ireland much like the system employed through the Social Fund. One of the key themes of Universal Credit is to <sup>7</sup>'protect the

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<sup>3</sup> Provision of discretionary support-Policy Screening-DSD

<sup>4</sup> NISRA (2011). Statistical report – 2010 based Population Projections. NISRA: UK

<sup>5</sup> DHSSPS (2010) Dementia Strategy. DHSSPS:Belfast

<sup>6</sup> Provision of discretionary support-Policy Screening-DSD

<sup>7</sup> Welfare reform-Universal Credit

vulnerable', this can only be achieved through a system which is accessible, easy to understand, practical and based on Equality and Human Rights.

### **Impact Assessments**

13. The Commissioner requests that DSD provide proportionate impact assessments for each of the options as outlined in the document. The Commissioner would like further clarification on how each potential option will impact positively or negatively on older people in Northern Ireland. DSD state that in March 2012 '125 Pensioners had debts higher than £1000'<sup>8</sup>. Therefore based on new proposals, the Commissioner is concerned that some older people may find themselves in a situation where they are forced to seek finance from a private company in times of emergency.

### **Accessibility**

14. The Commissioner notes that under the regulations of the Social Fund, 'eligible applicants must be receiving an income based benefit' like pension credit. The Commissioner is concerned about this singular gateway for the purpose of discretionary support. It is reported that 34% of older people in Northern Ireland are not claiming the Pension Credit to which they are entitled<sup>9</sup>. The Commissioner feels that this highlights the importance of ensuring that all older people are aware of and can receive the benefits to which they are entitled. The Commissioner is keen to stress the importance of the continuing progress of the 'Make the Call' campaign in achieving this goal.
15. The Commissioner welcomes the proposed feature within Discretionary Support which will include a process to refer people for specialist advice and a benefit entitlement review. This is a welcome element which could impact positively through ensuring that all older people are aware of the benefits to which they are entitled. DSD must commit positively to ensuring that sufficient communication is delivered to older people to prevent them from applying for loans privately and creating debt problems.
16. Research states that 'assistance often goes to those who understand the system well rather than those in the greatest need'<sup>10</sup>. The Commissioner stresses the importance of ensuring that all older people are aware of any new arrangements and the methods of accessibility. Communication and liaison with older people are paramount to the success of any new arrangement. Whilst advice services through telephony form an integral part of this support, face to face applications should remain a viable option for older people

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<sup>8</sup> Provision of discretionary support-Policy Screening-DSD

<sup>9</sup> Access to benefits-reaping rewards for older people 2011

<sup>10</sup> Replacement of the existing Discretionary Social Fund scheme in Northern Ireland-Research study-2012

## **Continuity**

17. The Commissioner agrees with the primary finding of the 'Ecory's research report' which states that Discretionary Support should 'keep the overall focus and objective of the Social Fund provision'<sup>11</sup>. With over six thousand claims made in 2011/12, the Social Fund provides an essential safety net for older people in Northern Ireland. The Commissioner is keen to learn how the introduction of the 'Single tier Pension' Universal Credit and, most notably amendments to Pension Credit will affect gateways to Discretionary Support.

## **Provision of goods-Cost and Value**

18. The Commissioner acknowledges that the provision of goods rather than cash will enable competitive discount for the Department. DSD state that 'any award will be made based on the lowest cost to meet the need'<sup>12</sup>. Whilst this measure is certain to minimise costs, there is a risk that quality will be compromised for savings. The Government has moved away from 'lowest cost' procurement and the Commissioner would welcome an arrangement that welcomes 'best value'. Overall it is vital to get the maximum efficiency from this fund.

## **Maximum loan threshold**

19. The Commissioner notes the proposal to 'lower the level of debt from £1,500 to £1000' for eligibility of Discretionary Support provision. Whilst the Commissioner supports any measure which helps to prevent uncontrollable debt for an older person, she is also keen to stress that there may be cases of emergency or crisis which require a more flexible approach. DSD also state that, under the new proposals 'existing social fund customers who have outstanding debt in excess of £1000 will not be able to get Discretionary loan support.'<sup>13</sup> The Commissioner is concerned that older people who may have debt in excess of £1000 may be forced to seek finance from another source in a case of desperation. This new proposal would have affected '125 pensioners'<sup>14</sup> from based on data collected in 2012. The Commissioner is keen that all older people are provided with adequate support and guidance to ensure they are not forced to seek finance through private sources thus exposing themselves to high interest rates and the resultant risk of debt problems.

## **Participation of Older People**

20. The Commissioner is of the view that any proposals for Discretionary Support should ensure the full participation of those people who are most likely to be affected by proposed changes. The Commissioner would like to know what steps have been taken to ensure that older people (not only those currently in receipt, but also at risk

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<sup>11</sup> Replacement of the existing Discretionary Social Fund scheme in Northern Ireland-Research study-2012

<sup>12</sup> Provision of discretionary support-Policy Screening-DSD

<sup>13</sup> Provision of discretionary support-Policy Screening-DSD

<sup>14</sup> Provision of discretionary support-Policy Screening-DSD

of poverty who may not realise they are eligible) are sufficiently aware of these new proposed arrangements.

### **Equality and Human Rights**

21. The Commissioner is of the view that any proposals for Discretionary Support should be subject to a full Equality Impact Assessment and should consider the degree to which proposals meet the requirements of national and international equality and human rights legislation including the European Convention on Human Rights, the United Nations Principles for Older People and the United Nations Convention on the Rights of People with Disabilities.

### **Monitoring and evaluation**

22. Any proposed changes to current provisions in Northern Ireland will require the collection of baseline data and future monitoring of the impact of change. Given the diversity amongst older people, there is a need for adequate disaggregated data on older people to measure the potential impact of all options as set out in the consultation document. The Commissioner is of the view that DSD should review its data processes to ensure that the data available is capable of disaggregation at an appropriate level to ensure appropriate monitoring of the impact of the provision of Discretionary Support on equality grounds, as set out in Section 75 of the Northern Ireland Act 1998.

## **Conclusion**

23. The principal aim of the Commissioner, as set out in legislation, is to “safeguard and promote the interests of older people”<sup>15</sup>. Given her roles and responsibilities, the Commissioner will retain an interest in the development of proposals for Discretionary Support and is keen to see the implementation of proposals which continue to protect the most vulnerable in society.

24. The Commissioner feels that the new arrangements for Discretionary Support must broadly reflect the existing objectives of the Social Fund. The new provision must protect the most vulnerable and continue to provide a safety net for times of emergency or crisis.

25. Finally, the Commissioner would be grateful if the Department for Social Development would include her in its consultation list for all further consultations. All future consultations should be sent to:

**The Commissioner for Older People  
Equality House  
7-9 Shaftesbury Square  
Belfast**

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<sup>15</sup> <http://www.legislation.gov.uk/nia/2011/1/contents>

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