**Number: 47762**

Welsh Government

Consultation Document

Amending existing regulations to extend the term of office for the Older People’s Commissioner for Wales from 4 to 7 years.

A proposal to amend the Commissioner for Older People in Wales (Appointment) Regulations 2007 (as amended) so that the Older People Commissioner for Wales is appointed by the First Minister for a 7-year term of office rather than a 4-year term of office.

Date of issue: 19 June 2023

Action required: Responses by 12 September 2023

**Overview**

This consultation concerns a proposal to change the terms of appointment for the Older People's Commissioner for Wales so that the term of office becomes 7 years rather than the current term of 4 years.

**How to respond**

Please could you send your views on this consultation to the Older People and Carer’s Team in Welsh Government at olderpeopleandcarers@gov.wales by 12 September 2023. If you feel unable to provide a response by this date, please contact us as soon as possible.

There a several ways to respond:

* complete our **online form**
* download and complete our **response form** and e-mail us at: olderpeopleandcarers@gov.wales
* download and complete our **response form** and post to:

Older People and Carers Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

**Further information and related documents**

Large print, Braille and alternative language versions of this document are available on request.

Mae’r ddogfen yma hefyd ar gael yn Gymraeg / This document is also available in Welsh  : hyperlink

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government’s standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

* to be informed of the personal data held about you and to access it
* to require us to rectify inaccuracies in that data
* to (in certain circumstances) object to or restrict processing
* for (in certain circumstances) your data to be ‘erased’
* to (in certain circumstances) data portability
* to lodge a complaint with the Information Commissioner’s Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail: dataprotectionofficer@gov.wales

The contact details for the Information Commissioner’s Office are:

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Tel: 0303 123 1113

Website: <https://ico.org.uk/>

# Background

Wales has four Commissioners who are appointed by the First Minister for Wales. The Welsh Language Commissioner, the Children’s Commissioner for Wales, the Future Generations Commissioner for Wales, and the Older People’s Commissioner for Wales. All have different statutory powers but are supported by Welsh Government officials through similar funding and governance arrangements. The Welsh Language Commissioner, the Children’s Commissioner for Wales and the Future Generations Commissioner for Wales are all appointed on a fixed, non-extendable 7-year term of office.

However, the Older People’s Commissioner for Wales (“OPCW”) is appointed for a 4-year term of office. There is the possibility of a 2-year extension added to the 4-year term of office but this needs to be agreed by the First Minister after taking account of those that represent the views of older people in Wales. Alternatively, the Commissioner may reapply for a second 4-year term of office under a competitive process.

The Older People’s Commissioner for Wales’s primary functions are to:

* promote awareness of the interests of older people in Wales and of the need to safeguard those interests.
* promote the provision of opportunities for, and the elimination of discrimination against, older people in Wales.
* encourage best practice in the treatment of older people in Wales.
* keep under review the adequacy and effectiveness of law affecting the interests of older people in Wales.

For more information on the role of the Commissioner’s lease visit the website: [Home - Older People’s Commissioner for Wales](https://olderpeople.wales/)

The OPCW is appointed in accordance with the following regulations:

* [The Commissioner for Older People in Wales (Appointment) Regulations 2007](https://www.legislation.gov.uk/wsi/2007/396/made#:~:text=1.%20%E2%80%94%20%281%29%20The%20title%20of%20these%20Regulations,%282%29%20These%20Regulations%20apply%20in%20relation%20to%20Wales.)

as amended by:

* [The Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016](https://www.legislation.gov.uk/wsi/2016/154/made#f00002)

We propose that the term of office that applies to all Welsh Commissioners should be consistent at a fixed, non-extendable 7 years. This would ensure that all four Commissioners have the same term of office and therefore the same opportunity to work with the groups of people that they represent and to champion change on their behalf.

To do this, we propose to amend the Commissioner for Older People in Wales (Appointment) Regulations 2007 (as amended) ("the Regulations"). to allow the First Minister to appoint the OPCW for a term of office of 7 years rather than the current term of 4 years. The opportunity to ask the First Minister for an extension of 2 years, or to reapply for a second 4-year term of office through a competitive process will be withdrawn from these Regulations.

The next OPCW is due to be appointed by August 2024. We would like to make the proposed changes to the Regulations so that the next OPCW can be appointed for a 7-year term of office.

**Consultation Response Form**

Your name:

email / telephone number:

Your address:

Are you completing the survey as a member of the public or on behalf of an organisation?

Member of the public

On behalf of an organisation

Name of organisation (if applicable):

**Question 1:**

We would like your views on whether we should make these proposed changes.

Do you agree that we should change the Regulations for the appointment of an Older People's Commissioner for Wales from a 4-year term of office to a 7-year term of office in line with the other Welsh Commissioners? In doing so, we will remove the existing option to request a 2-year extension or to apply for a second 4-year term of office.

Yes

No

Don’t know

**Question 2:**

Do you have any additional comments to support your response?

**Question 3:**

We would like to know your views on the effects that these changes would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 4:**

Please also explain how you believe the proposed changes could be formulated or changed to have a positive effect or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language.

**Question 5:**

What do you think would be the likely effects on individuals and groups with protected characteristics from these changes? Your views on how positive effects could be increased, or negative effects mitigated, would also be welcome.

Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here: