



Council of Older Persons

Cayman Islands Government

FUNCTIONS AND PROCEDURES OF THE COUNCIL OF OLDER PERSONS

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Purpose

1. The Council of Older Persons ('the Council') is established under section 3 of the Older Persons Act, 2017 ('the Act'). The Council is an advisory body comprising of older persons, professionals and experts from the public and private sectors.
2. The general purpose of the Council is to champion the welfare of older persons by advocating for the promotion and development of programmes, projects and legislative measures focused on older persons; and monitoring the Government's implementation of the Cayman Islands Older Persons Policy 2016-2035 ("the CIOPP"). In carrying out this role, the Council plays a critical part in enhancing the quality of life for all older persons defined in the Act as persons 65 years old and above.
3. The Council may determine its own procedures (except so far as its procedures are prescribed in the Act) and, in carrying out its functions adopt a consultative approach in relation to the community of older persons. This document, therefore, provides guidance to the Council as it outlines the purpose, high-level objectives, key roles and responsibilities, the membership and decision-making parameters.

Functions of the Council

4. Pursuant to Part 2, section 4 of the Act, the functions of the Council are as follows:
 - a) **Serving as a referral facility to provide information on services and resources for older persons;**
 - b) **Advocating for, and monitoring the level of, public education on the changing needs of older persons within the community;**
 - c) **Aiming to ensure the promotion, implementation, monitoring and evaluation of the policy in relation to older persons;**
 - d) **Promoting participation, involvement and social inclusion of older persons; and**
 - e) **Promoting a skills bank of older persons.**
5. Pursuant to section 10 of the Act¹, the Council is also responsible for maintaining a confidential register containing the particulars of any older person who requests to be registered:
 - a) **The Council will compile and maintain a Voluntary Older Persons Register.**
 - b) **The Register shall be kept in such form, and all entries, alterations and removals of entries shall be made in such manner, as may be prescribed.**
 - c) **Registration is optional but the Council shall encourage persons to register, in order to collect, analyse, and disseminate information on Older Persons to inform policy, legislation and service provision.**
 - d) **A person whose name is registered shall be issued a certificate of registration.**

¹ Section 10 of the Act is not currently in force.

6. Given the above functions, therefore, the Council may:
 - a) In consultation with relevant stakeholders, recommend CIOPP changes to the relevant ministries/portfolios, including propose amendments to legislation.
 - b) Advocate on behalf of the community of older persons.
 - c) Collaborate with and request information from relevant Government entities, civil society organisations and the private sector to obtain relevant information, data and statistics to promote a better understanding of ageing and raise awareness about the issues and concerns of older persons in the community (any such requested information should be provided within a reasonable timeframe).
 - d) Express its views in assessing the Government's implementation of the CIOPP – its actions, objectives and strategies. This includes identifying areas for improvement (incomplete, halted or hindered strategies/actions), gaps or progress/achievements of relevant ministries/portfolios.

Membership

7. In accordance with paragraphs 1 and 2 of the Schedule in the Act, the following members comprise of the Council:
 - a) members who are older persons of varying ages and representative of each district in the Cayman Islands (East End, Bodden Town, North Side, George Town, West Bay and the Sister Islands); and
 - b) not less than two members who are from the private sector or who are affiliated with a non-Governmental advocacy or service organisation that works for the rights of older persons,
 - (i) one of whom should be a doctor specialising in Geriatrics or familiar with medical issues relevant to older persons; and
 - (ii) one of whom should be an attorney-at-law qualified to practice in the Cayman Islands and experience in advising on legal issues relevant to older persons in the Cayman Islands.
 - c) not less than five ex-officio members who are public servants, comprised of the following –
 - (i) one representative, preferably a social worker, with a minimum experience of five years in managing socio-economic aspects of older persons in the Cayman Islands;
 - (ii) one representative from the Ministry responsible for Social Development (formerly Community Affairs);
 - (iii) one representative from the Ministry responsible for Health; and
 - (iv) one representative from the Ministry responsible for each or all of the following: education, labour (formerly employment) and gender affairs.
8. Each member of the Council is appointed for a term of not less than four (4) years and are eligible for re-appointment for one further four-year term.

9. Members should receive written acknowledgment of their appointment from the Minister responsible for the Cabinet Office detailing the parameters of their role, including but not limited to a specific acknowledgement that their duty to the Council takes precedence, their tenure and the functions and procedures of the Council.

Duties of the Chairperson and Deputy Chairperson

10. Section 5(1) of the Act stipulates that the Cabinet appoint a Chairperson and Deputy Chairperson from among the members of the Council who are not public servants.
11. In accordance with section 5(2), the duties of the Chairperson include:
 - a) **Presiding at meetings of the Council;**
 - b) **Instructing the Executive Secretary on behalf of the Council;**
 - c) **Signing Minutes of meetings of the Council;**
 - d) **Apprising the Council of matters raised by stakeholders;**
 - e) **Making best efforts to guide the Council in accordance with relevant legislation and policy;**
 - f) **Participating in public relations or education campaigns on behalf of the Council and acting as the Council's spokesperson; and**
 - g) **Appointing committees comprised of no fewer than three members for specific purposes, in consultation with the other members of the Council.**
12. Pursuant to section 5(3) of the Act, in the event of the absence or inability of the Chairperson to act, the Deputy Chairperson shall perform the duties of the Chairperson.

Duties of Members

13. All members of the Council are required to:
 - a) **Act in the best interests of the Council at all times;**
 - b) **Disclose any real or potential conflict of interest immediately; and**
 - c) **Protect the confidentiality of information which they have access to as a member.**
14. All members of the Council shall declare any conflict of interest at the earliest opportunity. Paragraph 5(6) of the Schedule to the Act mandates that if a member of the Council has any personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Council, the member shall if present at the meeting as soon as practicable disclose the fact and leave the meeting and shall not take part in the consideration or discussion of such matter or vote on any question with respect to the matter. The declaration of interest will be recorded by the Executive Secretary.

15. All members of the Council must take the issue of confidentiality seriously (deliberations and discussions of the Council should be treated with the highest level of confidentiality) and no matters related to the discussions held by and at the scheduled meetings shall be discussed outside of the meeting, unless specifically authorised and agreed by the members.

Designates

16. In accordance with paragraph 1(2) of the Schedule in the Act, Cabinet may appoint a designate for each of the members and when necessary that designate shall attend meetings on behalf of the member for whom that designate is appointed.

17. The position of a designate means that they are appointed to represent the interests of the member. Designates are, therefore, required to:

- **Act in the best interests of the Council at all times;**
- **Avoid conflicts between the interests;**
- **Disclose any real or potential conflict of interest immediately; and**
- **Protect the confidentiality of information to which they have access as a designate.**

18. A designate could be charged with the breach of statutory duties just like any other member if he/she were to act in opposition to the interests of the Council.

19. The designate should receive written acknowledgment of their appointment from the Minister responsible for the Cabinet Office detailing the parameters of their role, including specific acknowledgements that their duty to the Council takes precedence, tenure of designation and a clear indemnification commitment.

Meetings and Agendas

20. Pursuant to section 5(1) of the Act, the Council must meet a minimum of twelve (12) times per year; however, additional meetings may be held as often as necessary and practical.

21. The standard agenda items for Council meetings should include –

- a) Welcome/Call to order;
- b) Apologies for absence;
- c) Declarations of interest;
- d) Confirmation of previous meeting minutes;
- e) Review of action items from previous meetings;
- f) Status reports of actions recommended/taken;
- g) Discussion of specific agenda Items;

- h) Recommended actions for matters discussed;
- i) Other business;
- j) Next meeting date; and
- k) Adjournment.

Quorum

- 22. In accordance with paragraph 5(3) of the Schedule in the Act, at every meeting of the Council a quorum shall consist of a simple majority of eight (8) members.
- 23. The Council may act notwithstanding that a vacancy exists among these members and in the absence of the Chairperson or Deputy Chairperson, the member's present must elect one of their members to preside as Chairperson at that meeting pursuant to paragraph 5(4) of the Schedule.
- 24. If a quorum is not obtained, the meeting shall be rescheduled (whenever possible) for a date within fourteen (14) calendar days.

Voting Rights and Procedure

- 25. In accordance with paragraph 5(2) of the Schedule in the Act, members of the Council who are appointed under paragraph 1(1)(a) or (b) shall each have **one vote**. These persons are:
 - d) members who are older persons of varying ages and representative of each district in the Cayman Islands; and**
 - e) not less than two members who are from the private sector or who are affiliated with a non-Governmental advocacy or service organisation that works for the rights of older persons,**
 - (i) one of whom should be a doctor specialising in Geriatrics or familiar with medical issues relevant to older persons; and**
 - (ii) one of whom should be an attorney-at-law qualified to practice in the Cayman Islands and experience in advising on legal issues relevant to older persons in the Cayman Islands.**
- 26. Decisions of the Council shall be adopted by a simple majority of the members with voting rights who are present except in the case of an equally split vote in which case the Chairperson shall, in addition to his/her regular vote, have a casting vote. In the interest of efficiency, the Chair shall not normally ask for a vote when the majority voting opinion is clear, unless a member specifically requests that a vote takes place.

Decision Making

27. All matters of interest to the Council should be discussed at the scheduled meetings and feedback should be sought from voting and non-voting members.
28. **The deliberations of the Council shall be confidential but the Council must publish any decision which affects members of the public in the Gazette, on a website or in a newspaper of the Islands in accordance with paragraph 5(5) of the Schedule to the Act.**

Appointment of Committees

29. Pursuant to the Chairperson's duties detailed in paragraph 11 above, he/she may appoint committees as and when necessary to assist the Council with carrying out its functions. A member of the Council may be appointed to chair a committee and report back to the Council on the progress.

Remuneration of Members who are not Public Servants

28. Section 7 of the Act states that each of the members of the Council (if they are not public servants) may receive remuneration in respect of each meeting attended, and the Chairperson and Deputy Chairperson may receive such additional remuneration, as may be determined by Cabinet.
29. On May 1, 2018, Cabinet approved the following remuneration schedule –
 - a. \$125.00 to the Chair in respect of each scheduled meeting attended;
 - b. \$125.00 (only) to the Deputy Chair for chaired meetings in the absence of the respective Chair; and
 - c. \$100.00 for members who are non-public officers and who are not in the position of chairperson in respect of each scheduled meeting attended.
30. The remuneration of members will be covered by the Cabinet Office on a quarterly basis and a record of these payments will be kept by the Secretariat.

Immunity

31. Section 8 of the Act states that neither the Council, or any member of the Council, nor the Executive Secretary of the Council, shall be liable in damages for anything done or omitted to be done in the discharge or purported discharge of their respective functions, responsibilities, powers and duties under the Act unless it is shown that the act or omission was negligent or in bad faith.

Indemnity

32. Section 9 of the Act states that the Government shall indemnify a member of the Council and the Executive Secretary against all claims, damages, costs, charges or expenses incurred by the member or the Executive Secretary in the discharge or purported discharge of that member's or Executive Secretary's functions, responsibilities, powers and duties under the Act, except claims, damages, costs, charges or expenses caused by the negligence or bad faith of that member.

Resignation and Replacement of Members

30. In accordance with paragraphs 3(1) and (2) of the Schedule in the Act, a member may resign in writing addressed to the Chairperson via the Executive Secretary and Cabinet shall be informed of the resignation. The resignation will take effect from the date of receipt by the Cabinet Secretary.
31. In accordance with paragraph 3(3), where any member resigns, Cabinet may appoint another person to hold that office until the time that the member's office would have expired.

Membership Revocation

32. In accordance with paragraph 4(1) of the Schedule in the Act, any member's appointment to the Council may be revoked by the Cabinet if it is satisfied that:
- a) he or she is seriously incapacitated by reason of physical or mental illness;
 - b) he or she has been absent from 3 consecutive meetings without the consent of the Chairperson;
 - c) he or she is otherwise unable or unfit to discharge his or her duties as a member;
 - d) he or she is unsuitable to continue as a member; or
 - e) a conflict of interest arises in which his or her membership would bring disrepute to the Council.
33. Pursuant to paragraph 4(2), where any member ceases to be a member of the Council before the normal expiration of their appointment, the Cabinet may appoint another person to hold that office until the time that the member's office would have expired.

Secretariat Support

33. In accordance with the sections 6(1) and (2) of the Act, an Executive Secretary who is a public servant will be appointed by the Cabinet to provide administrative support to the Council. At present, this individual is the Deputy Chief Officer (Policy Coordination) or designate from the Cabinet Office. He

or she is instructed by the Chairperson on behalf of the Council and manages the affairs and implements the decisions of the Council in accordance with applicable legislation, Council directives and Council policies.

34. The Council does not have any human resources delegated authority over the Executive Secretary, but any concerns or complaints of job performance of the Executive Secretary shall be brought to the attention of the Cabinet Secretary in the Cabinet Office.

Duties of the Secretariat

35. The Executive Secretary will perform the following duties including, but not limited to:

- a) Issue guidance on procedures for dealing with referrals and reporting matters;
- b) Manage the affairs of the Council in accordance with applicable legislation, Council directives and Council policies;
- c) Provide logistical support for Council meetings and maintain a log of attendance;
- d) Assist the Chairperson to draft and circulate meeting documents, including minutes and decision documents;
- e) Distribute agendas and action reminder summaries for Council meetings to members in advance of the meetings;
- f) Receive and send correspondence on behalf of the Council;
- g) Assist with updating policies and procedures of the Council;
- h) Assist the assigned Communications Manager develop appropriate media strategies to raise awareness and educate the public on the needs and issues of older persons in the community as requested by the Chairperson;
- i) Act as a liaison between the Council and other organisations and individuals, if and as requested by the Chairperson;
- j) Facilitate access to specific expertise as requested by the Chairperson;
- k) Maintain the protocols for managing and using records of the Council and ensure they are secured in a dedicated reference centre;
- l) Assist with developing policies and procedures for registering, managing and tracking complaints received by the Council from or on behalf of older persons; and
- m) Be flexible in carrying out duties and be prepared to periodically work outside normal office hours to attend Council meetings/activities, meet deadlines and respond to urgent requests.

Data Protection

The Council must comply with the eight data protection principles outlined in the Data Protection Act, (2021 Revision) (“DPA”)². The DPA provides a standard framework for both public and private entities in the management of the personal data they use and serves as a guide to provide assurance to individuals whose personal data is being collected, stored, deleted, analysed or disclosed (i.e. ‘processed’). Personal data is information that relates to a living, identified or identifiable individual. For example, a name, telephone number, an address, online identifiers (such as an IP address or cookie identifier) a bank account statement or an invoice. An individual may be directly identifiable (for e.g., through a name) or they may be indirectly identifiable (for e.g., through an account number that can be linked to them).

Pursuant to Part 2, section 4 of the Older Persons Act, 2017 the functions of the Council, particularly as a referral facility and/or in the promotion of older person’s participation, involvement and social inclusion, means that there may be occasions where the personal data of members of the public and/or complaints are processed by the Council. Typically, a member of the public may reach out to the Council to ask for help with a personal matter and, by doing so, may share information regarding finances, medical conditions or express an opinion about themselves, another individual or an elderly relative. Accordingly, the Council is required to take additional care and consideration when handling this type of sensitive personal data.

Any personal data obtained through such correspondence, or via other means, will be used by the Council to respond to inquiries, refer matters to appropriate entities or connect members of the public to appropriate resources. By processing personal data for these reasons, the Council:

- a) Must handle the collection, storage, deletion, analysis and disclosure of personal data in a way that is fair, lawful and not in a way that is unduly detrimental, unexpected or misleading to the individuals concerned.
- b) Must be clear, open and honest with people from the start about why and how it handles their personal data.
- c) Must ensure the personal data it is processing is limited to what is necessary for the purpose it was collected for and, therefore, does not hold more personal data than is needed for that purpose.

²Data Protection Act (2021 Revision)

https://ombudsman.ky/images/pdf/laws_regs/Data_Protection_Act_2021_Rev.pdf

Freedom of Information

Access to information promotes accountability, transparency, and public participation in national decision-making. The Freedom of Information Act (2020 Revision) reinforces and gives further effect to these fundamental principles underlying the system of constitutional democracy by granting to the public a general right of access to records held by the Cayman Islands Government. Accordingly, any Freedom of Information (“FOI”) requests will be handled by the Information Manager (“the IM”) of the Cabinet Office³. The Council, however, must assist the IM by providing records to facilitate the processing of FOI requests and any additional information that can assist the IM in understanding any harm that could come from releasing the record(s).

³ Freedom of Information, Cabinet Office: <http://cabinetoffice.gov.ky/portal/page/portal/cabhome/foi>