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Wise in 5: National Commissioners

Wise in 5 is a snapshot comparative guide to a public policy issue across the nations of the UK and Ireland. It helps you be PolicyWISE (Wales, Ireland, Scotland, England) in 5 (it takes just five minutes to read).

This briefing was updated in October 2024. It includes a summary of the latest policy developments across the nations, as well as related research from PolicyWISE, The Open University and PolicyWISE's university partners.

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Commissioner (or Ombudsman)	Children	Older People	Language	Victims	Future Generations	Disability	Patient Safety
England	+			+			+
Northern Ireland	+	+	▲	+			
Republic of Ireland	+		+				
Scotland	+	💡		◆	💡	💡	▲
Wales	+	+	+	+	+		
Key	+	💡	◆			▲	
	Yes	Proposed	Being legislated			In law, not yet set up	

Wise in 5: National Commissioners

Overview

What connects Scottish children, Welsh speakers of all ages, and the victims and survivors of the Northern Ireland 'Troubles'?

They may be very different in their concerns and lived experiences, but each of these groups has a statutory Commissioner who advocates for their rights and interests.

The definitions of commissioners and commission often differ between administrations and systems. This briefing is a comparative analysis of those Commissioners across the nations who hold the title of 'Commissioner' and advocate for a group or a particular policy area, defend or promote the rights of certain groups and individuals, and are established in law.

The [Institute for Government](#) notes that "in recent years governments have created a series of 'commissioner' posts – individuals appointed by government and given statutory powers to ensure the interests of a potentially neglected group are not overlooked by government."

This comparative briefing examines the role of Commissioners (and Commissions) across the nations of Britain and Ireland. It clarifies which commissioners are England-only, UK-wide, or specific to one nation. We set out the roles, responsibilities, and territorial remit of some of the key commissioners across the nations.

Developments and critique of the Commissioner landscape

[UK Labour's manifesto](#) for the General Election 2024 proposed new Commissioners for the Armed Forces, [victims of the Windrush 'scandal'](#), and 'Covid Corruption' to investigate public contracts awarded during the pandemic. It is not clear if these posts are intended to be England-specific or wider.

In Scotland, there are advanced plans and proposals for a significant number of new Commissioners. Research Scotland [have conducted](#) interviews with commissions, commissioners, and partners, where concerns were expressed about "complex landscape... (of) a large number of commissioners."

A recent Senedd [review of Welsh Commissioners](#), although focused on funding and budgeting, did look at collaborative working between commissioners. It felt that there were "clear limitations" for savings that could be made but did "encourage the Commissioners to work together to identify further areas of possible collaboration."

The [Research Scotland](#) report highlights a further concern amongst some of a "narrow" focus on "particular groups rather than thinking about human rights in the round". This may suggest support for an Australian-type model of an [overarching human rights commission](#), with a board of lead commissioners responsible for particular groups, and their rights.

Between the nations, there are significant differences in appointment process and governments and/or parliamentary accountability across the Commissioner landscape.

Some, for example, the Children's Commissioner for England, is a government sponsored body, [appointed](#) by the UK Government (the English Secretary of State for Education). Scottish Commissioners, such as the Commissioner for Children and Young People, are [appointed](#) on approval of the Scottish Parliament, and are funded from the parliament.

Children and Young People

All four UK nations have their own Commissioners for Children and Young People. These were established early in the devolution-era, and each has a [focus](#) on “ensuring that the voices” of young people are heard by policymakers.

This was particularly evident during the pandemic, seeking to ensure that children’s interests were considered in decisions around school closures and re-opening, and access to [school meals](#).

In Ireland, the [Ombudsman for Children’s Office](#) “promotes the rights and welfare of young people”, with a distinct focus to “deal with complaints made by or for children about the actions of public organisations”.

Future Generations & Well-Being

The [Future Generations Commissioner](#) for Wales aims to ensure that the “interests of future generations are considered in decision-making processes, promoting sustainable development and the well-being of future generations”.

The post was created through legislation, which [requires public bodies](#) in Wales to consider the long-term impact of decisions and the nation’s social, cultural, environmental, and economic well-being.

The Scottish Government is proposing [legislating](#) for similar provisions, taking forward the National Performance Framework, and potentially creating a Future Generations Commissioner. There has been significant [international interest](#) in learning from the Welsh model.

Language Commissioners

Both [Wales](#) and [Ireland](#) have Language Commissioners, and whilst there is no ‘Commissioner’ in Scotland there is the [Bòrd na Gàidhlig](#), which is “responsible for the preservation of Gaelic as an official language.”

The Irish and Welsh Commissioners share similar responsibilities and duties to support and facilitate the use of Welsh and Irish and investigate and ensure that organisations comply with language standards (i.e., the provision of services in the relevant language).

The Northern Ireland Executive has [confirmed](#) it is undertaking preparatory work to implement the

provisions of the [Identity and Language \(Northern Ireland\) Act 2022](#). This will establish an Office of Identity and Cultural Expression; an Irish Language Commissioner; and a Commissioner for the Ulster Scots and the Ulster British tradition. Although the Act sets out different functions for the respective Northern Ireland Commissioners, the powers and duties of the Welsh and Irish equivalents in relation to public service provision and language promotion, are clear precedents for the new Commissioners.

Older People

Older People Commissioners in [Wales](#) and [Northern Ireland](#) were established in 2006 and 2011 respectively. There is currently a [proposal](#) for a Scottish Older People’s Commissioner, through a private member’s bill. Despite a long running [campaign](#) to establish an Older People’s Commissioner for England, this policy did not appear in either the Labour or Conservative manifesto for the July 2024 general election.

The Welsh Commissioner “protects and promotes the rights of people aged 60 and over”. It should be noted that the Age UK campaign in England focuses on people aged 65 and over.

Whilst there is no Commissioner (or Ombudsman) for Older People in the Republic of Ireland, one has been [proposed](#) by an alliance of organisations who campaign on behalf of older people.

Patient Safety

The Scottish Parliament recently [passed legislation](#) to establish a Patient Safety Commissioner, to “promote the importance of the views of patients and members of the public in relation to the safety of health care.”

There is already a [Patient Safety Commissioner](#) for England, but not in Northern Ireland or Wales. The English Commissioner was established following the Independent Medicines and Medical Devices Safety [Review](#) which “laid bare the consequences of a healthcare system that does not listen to the experiences of women”.

The Welsh Government has introduced its own measures and structures, such as [Llais](#), which it claims, “[strengthen patient advocacy](#)”.

Victims

In Northern Ireland, the [Commission for Victims and Survivors](#) represents the “needs and interests” of people affected by the Troubles and the legacy of Northern Ireland’s past. It seeks to help citizens “have access to truth”, “review the adequacy and effectiveness of services”, and “build for the future”. The Commissioner for Victims and Survivors leads this work (although the post is currently vacant).

Although the context and purpose are different, ‘England and Wales’ (as one jurisdiction) also have a [Victims’ Commissioner](#), who seeks to represent and raise awareness of issues faced by victims and witnesses of crime.

The Scottish Government is [legislating](#) to create a Scottish Victims and Witnesses Commissioner, with a similar remit and purpose as the equivalent for England and Wales. Northern Ireland also has a [Commissioner for Victims of Crime](#), to “provide a voice for all victims... and promote good practice”.

In Ireland, the [Garda Ombudsman](#) focuses on “complaints concerning garda conduct”. Although this may have some overlap with Commissioners which focus on victims, its responsibility is investigating issues or matters in relation to police conduct, and shares a similar remit as the [Independent Office for Police Conduct](#) (‘England and Wales’), the [Police Investigations & Review Commissioner](#) (Scotland) and the [Police Ombudsman for Northern Ireland](#).

Since 2019 (with powers in force since 2021) there has been a [Domestic Abuse Commissioner](#) for ‘England and Wales’. The Commissioner holds public bodies “to account” in how they respond to domestic abuse, and there is legal duty on those bodies to co-operate with the Commissioner.



Other Commissioners

The [Independent Anti-Slavery Commissioner](#) operates across the whole UK to support “good practice” in the prevention, detection, and prosecution of “slavery and human trafficking... (and) identification of victims.”

There are other Commissions, such as the Equality and Human Rights Commission, the Northern Ireland Human Rights Commissioner, the Electoral Commission, Commissioner for Ethical Standards in Public Life in Scotland, the Parliamentary Commissioner for Standards, Police & Crime Commissioners and Traffic Commissioners.

These go beyond the focus of this briefing, as we have focused on Commissioners that represent or advocate for particular groups, rather than more general bodies with a wider regulatory or inspectorate role. However, as noted in the Overview section, the definition and remit of Commissioners and Commission varies across administrations, legal systems, and political cultures.

There is currently a (private member’s bill) [proposal](#) for a Disability Commissioner in Scotland, to “promote and safeguard the rights of disabled people”, informed by the Children and Young People Commissioner model.

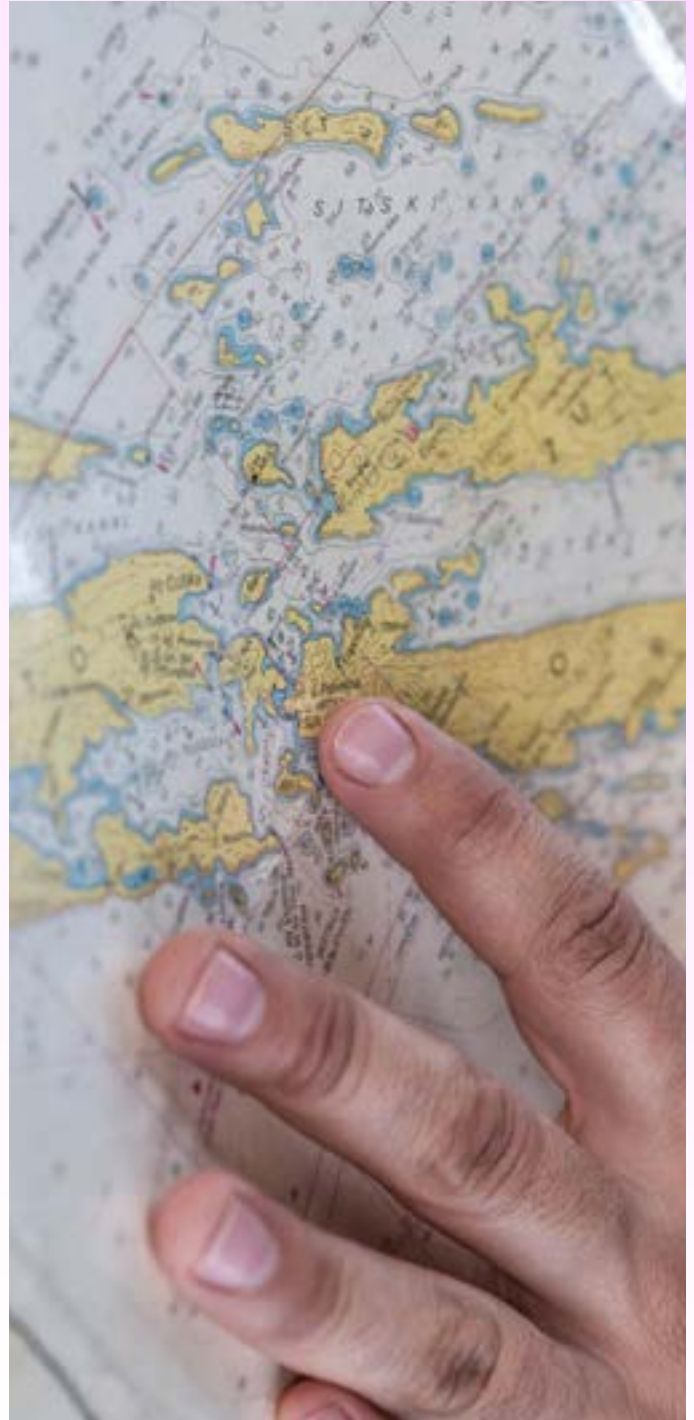
International

The [Australian Human Rights Commission](#) is an overarching statutory organisation, which includes seven Commissioners to advocate and investigate on behalf of specific policy issues, individuals, and groups of people. This includes Children, Age Discrimination and Disability Discrimination Commissioners

Many European states, such as the [Netherlands](#), [Norway](#) and [Sweden](#) have the equivalent of Children’s Commissioners.

There is a [community of Language Commissioners](#) across Europe and North America which include the Irish and Welsh Language Commissioners. This includes Canadian provinces, Catalonia, and the Basque Country.

As the number of Commissioners in the UK and Ireland grows, it is worth noting the Commissioner landscape in New Zealand, which has a range of similar agencies. This includes a [Health and Disability Commissioner](#), and a [Mental Health and Wellbeing Commission](#).



Wise up – 5 policy points to takeaway

1. The issue of duplication and a potentially “messy” landscape is to be taken seriously. Administrations should learn from each other and from current practice to ensure that existing, and any future, Commissioners avoid unnecessary duplication of their remits and roles, and can co-operate as necessary.
2. As well as statutory, investigative and advocacy powers, Commissioners (and Commissions) can play an important role in enhancing the availability of data and information in their policy areas. This can be done through their own offices, as well as co-operating with other agencies and organisations to prioritise data and information which helps them (and the public and policymakers) measure challenges, lived experience and policy impact.
3. Clarity of role and remit is important for Commissioners, but also for the public and the groups for which they advocate, represent, and potentially investigate. There are different ways to achieve this. Where there are many commissioners, they should seek to avoid overlap in remits; governments and parliaments should consider “[term of government](#)” remits for those commissioners appointed in this way; commissioners and governments could consider an overarching national remit for commissioners as a collective and individually.
4. Policymakers should consider the New Zealand “[It Takes Three](#)” operational approach for improved governance and accountability between Commissioners, Commissions, Governments and Parliaments. It sets out the responsibilities and roles of Ministers, independent bodies, and government units. Welsh Government officials developed their own version of this for the [new relationship with Medr](#): (The) Commission for Tertiary Education and Research.
5. To avoid the risk of Commissioners being seen as an “outsourcing” of an issue or challenge by governments, Commissioners should prioritise building credibility with the represented group and being “of” and “for” that group(s), whilst also brokering honest relationships with policymakers and partners.



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Wise in 5

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