

COMMISSIONER FOR OLDER PEOPLE (SCOTLAND) BILL

FINANCIAL MEMORANDUM

INTRODUCTION

1. As required under Rule 9.3.2 of the Parliament's Standing Orders, this Financial Memorandum is published to accompany the Commissioner for Older People (Scotland) Bill, introduced in the Scottish Parliament on 2 April 2025. It has been prepared by the Non-Government Bills Unit on behalf of Colin Smyth MSP, the Member who introduced the Bill.
2. The following other accompanying documents are published separately:
 - Explanatory Notes (SP Bill 64–EN);
 - a Policy Memorandum (SP Bill 64–PM);
 - statements on legislative competence made by the Presiding Officer and the Member in Charge of the Bill (SP Bill 64–LC).

BACKGROUND

3. The Bill will establish a Commissioner for Older People, whose primary purpose will be to promote and safeguard the rights and interests of people aged 60 and over in Scotland. The Commissioner will be independent from Government.
4. The Commissioner will - using the powers set out in this Bill - act as a champion for older people at a national level. As part of this work, the Commissioner will review law, policy and practice relating to the rights and interests of older people with a view to assessing their adequacy and effectiveness and promote best practice by service providers. Additionally, the Commissioner will promote, commission, undertake and publish research on matters relating to the rights and interests of older people and promote the skills and experience of older people.
5. The Commissioner will have the power to undertake investigations into devolved matters if they consider that the issue relates to older people. These investigations will seek to encourage the consideration of the rights, views, and interests of older people in the decision-making and actions of service providers.
6. The Member believes that establishing a Commissioner for Older People would go a long way towards addressing the many issues faced by older people. His view is that society should celebrate the achievements and experiences of Scotland's older generations, while also protecting them and ensuring that they have the support they need to enjoy a fulfilling life.

METHODOLOGY

7. The Scottish Parliamentary Corporate Body (“the SPCB”) supports several independent officeholders, including commissioners, which have been established by Scottish Parliament legislation. There are currently seven officeholders:

- Commissioner for Ethical Standards in Public Life in Scotland;
- Scottish Biometrics Commissioner;
- Scottish Commissioner for Children and Young People;
- Scottish Human Rights Commission;
- Scottish Information Commissioner;
- Scottish Public Services Ombudsman; and
- Standards Commission for Scotland.

8. More recently, in September 2023, legislation was passed that will establish a Patient Safety Commissioner for Scotland. The Bill received Royal Assent on 7 November 2023. In addition, Jeremy Balfour MSP introduced the Disability Commissioner (Scotland) Bill in February 2023, and the Scottish Government introduced the Victims, Witnesses and Justice Reform (Scotland) Bill, which includes provision for the establishment of a Victims and Witnesses Commissioner for Scotland, in April 2023. Each of these commissioners (should the respective pieces of legislation be passed) would be supported by the SPCB.

9. Where applicable, this Financial Memorandum draws on the estimated figures for recently established commissioners, or on recent legislation relating to the establishment of commissioners. Consultation has also taken place with SPCB officials, who have provided estimated costs, which are referred to in this document where appropriate. The estimates are accurate at the time of publication, but subject to change.

10. This approach has been taken as the Member wishes the estimated costings for establishing and running the commissioner’s office to be in line with up-to-date practice. However, where applicable, other sources have been used, such as the annual accounts of other established commissioners and public bodies.

11. It is also worth noting that, at time of drafting, the Scottish Parliament has created a committee charged with reviewing the landscape of SPCB-supported bodies. The responses to the consultation on this Bill did not place any emphasis on whether the SPCB or another body would be required to have a role in the oversight of the accountability and governance of the Commissioner for Older People. Responses were not focused on the need for this oversight to be performed by the SPCB. The emphasis was ensuring an accountability and governance model that guaranteed independence from the Scottish Government. The Member has developed the costings based on the working assumption that the SPCB will continue to perform this oversight function, and on that basis has sought to ensure that shared services and other cost efficiencies with other SPCB supported bodies are explored in full. However, the Member also acknowledges the potential for the oversight function for current SPCB-supported bodies to move away from the SPCB as a result of the Committee’s recommendations.

COST ON SCOTTISH ADMINISTRATION

Set up costs

Office of the Commissioner for Older People in Scotland

12. Although the Commissioner for Older People in Scotland will be an independent officeholder, in exercising their statutory functions they will be accountable to the Parliament and funded by the SPCB. The creation of the Commissioner will result in additional costs on the Scottish Parliament budget.

Recruitment of Commissioner and staff

13. An estimate of up to £9,000 has been made to cover the costs of recruitment of the Commissioner (1.0 FTE) and four full time equivalent members of staff. The estimated costs are based on an estimate provided by SPCB officials (£9,000) and the financial memorandums accompanying the Disability Commissioner (Scotland) Bill, the Patient Safety Commissioner for Scotland Bill and the Victims, Witnesses, and Justice Reform (Scotland) Bill, all of which estimated a cost of £8,000 on initial recruitment costs.¹

14. The estimated costs include advertising, assessor's fees, warrant costs and HR support costs. The staffing numbers estimated are in line with those of recently established SPCB-supported commissioners, and the staff numbers projected for commissioners that are yet to be established. It should be noted, however, that the number of staff recruited may vary from those estimated above, and any variation may have an impact on recruitment costs. Any such extra costs incurred would be expected to be minimal.

Commissioner's remuneration and staff salaries

15. It is estimated that the Commissioner would be in place for seven months of the initial year, and staff members for two months. Based on information provided by SPCB officials, the estimated cost of the Commissioner's salary plus add on costs for seven months, would be £78,183. It is estimated that the 4 staff members' salaries and add on costs for two months would total £41,284 taking the total salary costs for year 1 to £119,467.

16. The estimated staff numbers are based on the staff that the Member considers that the Commissioner will require as well as on figures contained in the financial memorandums accompanying recent bills to establish a Disability Commissioner, a Patient Safety Commissioner and a Victims and Witnesses Commissioner. The respective financial memorandums for those bills estimated that around 4 staff members would be needed, with the Victims and Witnesses Commissioner's team comprising of an office manager, two members of policy/research staff and an admin support staff member. If the Commissioner were to benefit from shared services, they may be able to reduce their staffing complement and the costs would decrease.

¹ Throughout this memorandum, estimates have been provided by SPCB officials which may be higher than estimates provided by officials for financial memorandums of bills that have already been introduced. The difference in estimated cost takes account of factors such as inflation.

17. Should the Commissioner determine that more staff members are required than set out above, approval will be required from the SPCB.

Accommodation

18. The location of the Commissioner's office will be a matter for the Commissioner to decide during the set-up period, subject to any direction given by the SPCB. The Member considers that steps should be taken wherever possible to reduce accommodation costs, for example, by co-locating with other public bodies in existing premises. It is noted that several bodies supported by the SPCB, including the Scottish Public Services Ombudsman, the Scottish Human Rights Commission, the Scottish Biometrics Commissioner and the Commissioner for Children and Young People in Scotland occupy the same building, each with its own self-contained office. Further to this, the Commissioner for Ethical Standards in Public life in Scotland shares accommodation with the Scottish Legal Aid Board and the Standards Commissioner for Scotland has an office in the Scottish Parliament building.

19. While the Member's view is that the Commissioner should share accommodation with other public bodies if possible, in order to reduce accommodation costs, it is unknown whether shared accommodation that would be suitable for the office of the Commissioner will be available at the time in which the office is being set up. Figures provided by SPCB officials estimate a cost of £55,000 for initial fit-out expenses, £20,000 on fitout and furniture and £25,000 in professional and legal fees. The professional and legal fees of up to £25,000 reflects the cost to search for suitable property, to agree terms and to complete legal agreements that would also be incurred. In addition, the Financial Memorandum for the Patient Safety Commissioner for Scotland Bill estimated a cost of £79,200 for accommodation set up costs, while the Financial Memorandum for the Disability Commissioner (Scotland) Bill estimated £95,000 for accommodation set up costs.

20. Based on the information set out above £80,000 to £100,000 has been estimated for accommodation set up costs.

IT set-up/website

21. The office of the Commissioner may seek to use the Scottish Government IT system (SCOTS), as is the case with other bodies, including the Scottish Human Rights Commission, the Police Investigations and Review Commissioner and the Scottish Public Services Ombudsman.

22. Financial memorandums accompanying recent legislation relating to the establishment of commissioners have estimated the costs of IT and website set up of between £50,000 and £70,000. This is based on the installations of the SCOTS system, as well as any other hardware and software costs. Further to the above, figures provided by SPCB officials estimate that initial set up costs for IT and website, based on the use of the SCOTS system, would be £45,000.

23. An estimate of between £45,000 and £70,000 has therefore been made for IT and website set-up for the Commissioner, based on the figures set out above. It is possible that costs will be on the lower end of the scale, particularly if the Commissioner uses shared accommodation, where a suitable IT system is already in place, and as the website is intended to be used as a source of information, so should therefore not be too complex to design and establish.

24. If the Commissioner wished to install an alternative IT system, the assumption is that the costs would not exceed those outlined above in respect of the SCOTS system.

Payroll/HR services

25. The office of the Commissioner will require a contract for payroll services and the set-up of HR support, which would include the preparation of staff contracts and a staff handbook. The total costs are estimated to be between £3,000 and £4,000. This is based on estimates provided by SPCB officials and the estimates for the Disability Commissioner, Patient Safety Commissioner for Scotland, Victims and Witnesses Commissioner and the Scottish Biometrics Commissioner.

Awareness raising

26. Funding may be required to ensure that older people and other stakeholders are aware that the Commissioner has been established, of what the Commissioner's functions are and of how the Commissioner can be engaged with. The Member considers that this could consist of a short-term advertising campaign, followed by ongoing funding for promotion and publicity costs.

27. The annual accounts of the Scottish Commissioner for Children and Young People set out a spend of £85,000 and £104,000 on promotion and participation in 2023 and 2024 respectively. However, it should be noted that these relate to ongoing costs of an established commissioner, rather than to set up costs.

28. Information provided by SPCB officials estimates a cost of £63,000 on publicity and promotion costs when a commissioner's office is set up, with a further £10,000 estimated for marketing costs.

29. Given the Member's expectation that the Commissioner should have an impact and level of outreach on a similar scale to that of the Commissioner for Children and Young People in Scotland and given that initial awareness raising costs may be higher than those of a long-established public body between £73,000 and £104,000 has been estimated for initial and ongoing publicity and promotional costs.

Table A – set up costs

Type of cost	Estimated amount
Recruitment	£9,000
Commissioner and staff remuneration	£119,467
Accommodation	£80,000-£100,000
IT set up/website	£45,000-£70,000
Payroll/HR service	£3,000-£4,000
Awareness raising	£73,000-£104,000
Estimated total	£329,467-£406,467

Ongoing costs

Commissioner's remuneration and staff salaries

30. Taking other recent SPCB-funded commissioners as examples, the proposed salaries of the Patient Safety Commissioner for Scotland and the Victims and Witnesses Commissioner have both been estimated as £86,789, with add on costs taking the employer costs to £126,119 per annum. The Financial Memorandum which accompanied the Disability Commissioner (Scotland) Bill estimated that the Commissioner's remuneration would total £130,005 per annum. Further to this, figures provided by SPCB officials estimate that the Commissioner for Older People's remuneration would cost £134,027 per annum. For the purposes of this memorandum, the figure provided by SPCB officials has been used, as this is the most up-to-date figure.

31. It is expected that, in line with other recently established commissioners, the Commissioner will have four full time equivalent members of staff. For estimate purposes, it is expected that the Commissioner will appoint 1 FTE member of administrative staff and three FTE members of policy staff. The estimated salaries are based on figures provided by the SPCB and would come to an estimated £247,704 per annum. These costs include employer's costs (NI and pension). This combined with the Commissioner's salary would take remuneration costs to £381,732 per annum.

32. It is possible that the Commissioner may consider that more staff are required than is estimated above. However, such costs have not been estimated in this Financial Memorandum, on the basis that the Commissioner's staff salary allowance would not exceed that of recent SPCB-supported commissioners. Should the Commissioner seek to employ additional staff members, approval from the SPCB would be required.

Accommodation

33. As noted earlier in the document, it is not presently possible to forecast the availability of shared public sector accommodation at the time of the establishment of the office of the Commissioner. Therefore, for cost estimate purposes, this memorandum includes figures based on the assumption that a privately rented shared building is required, for which a monthly rental fee will be charged.

34. The Patient Safety Commissioner for Scotland Bill Financial Memorandum estimated ongoing accommodations costs from £184,288 per annum and the Victims, Witnesses and Justice Reform (Scotland) Bill Financial Memorandum estimated £140,000 per annum. Further to this, the Financial Memorandum which accompanied the Disability Commissioner (Scotland) Bill estimated accommodation costs of up to £184,000 per annum.

35. On the basis of the above, a range of £140,000 to £190,000 per annum has been estimated for ongoing annual accommodation costs, based on privately rented accommodation. Should the Commissioner share office space with another public body, as is the Member's preference, there

is a potential that no additional accommodation costs will be incurred by the Commissioner on an ongoing basis.²

IT support and website maintenance

36. As noted above, it is envisaged that the office of the Commissioner may wish to use the SCOTS IT system. The Patient Safety Commissioner for Scotland Bill's Financial Memorandum included SCOTS maintenance costs estimated by Scottish Government IT specialists at a total of £6,600 per annum (including VAT), while the estimate for the Victims and Witnesses Commissioner was £16,600 per annum and the Disability Commissioner (Scotland) Bill's Financial Memorandum estimated costs of between £20,000 and £45,000. If the Commissioner wished to use a non-SCOTS system, the assumption would be that its cost would not exceed that of SCOTS. For website maintenance, both the aforementioned financial memorandums have estimated costs of £18,000.

37. Drawing examples from other public bodies that are already established, the Scottish Human Rights Commission (SHRC) spent a total of £36,000 on IT costs and website costs in 2023-24 and £31,000 in 2022-23. The Commissioner for Children and Young People in Scotland spent £45,000 on IT and website design in 2024 and £35,000 in 2023. Figures provided by SPCB officials estimate that, based on the use of the SCOTS system, web and IT maintenance would cost £20,000 per annum. Taking the above estimates into account a range of between £20,000 and £45,000 per annum has been estimated for ongoing IT and website costs.

Payroll and HR services

38. The office will also be required to provide payroll services and ongoing HR support. The total costs are estimated at £4,000 on the basis of comparator organisations.³

Travel and subsistence

39. To perform their functions effectively, the Commissioner may be required to travel around Scotland to engage with stakeholders. The estimates of such costs for the Patient Safety Commissioner for Scotland, which was based on an assumption of around five such visits per year, was £6,840 per annum. Further to this the Commissioner for Children and Young People in Scotland spent £37,000 on travel, expenses and hospitality in 2024 and £43,000 in 2023, while the SHRC spent £19,000 on travel, subsistence, and hospitality in 2023-24 and £17,000 in 2022-23.

40. Taking the above figures into account, an estimated range of between £7,000 and £43,000 per annum has therefore been estimated for travel and subsistence.

² It is the Member's understanding that where officeholders share accommodation, some of the officeholders may not be subject to accommodation costs. For example, the Children and Young People's Commissioner Scotland shares accommodation with other SPCB-supported officeholders and its annual accounts do not include accommodation costs.

³ The Patient Safety Commissioner for Scotland Bill, Victims, Witnesses and Justice Reform (Scotland) Bill and Scottish Biometrics Commissioner Bill Financial Memorandums estimated £4000 per annum for ongoing marketing, HR and payroll set up. The Disability Commissioner (Scotland) Bill Financial Memorandum estimated costs of between £0 and £4,000.

Research

41. There may also be some costs associated with research carried out either by, or on behalf of, the Commissioner's office. However, it is difficult to estimate such costs without knowing how frequently research will be carried out or what type of research will be undertaken. In addition, there is a lack of information available in the annual accounts of existing public bodies regarding the cost of research specifically. However, for the purposes of this memorandum, SPCB officials have estimated a cost of £10,000 per annum on research.

Professional fees

42. Professional fees as set out in the Patient Safety Commissioner for Scotland Bill and Victims, Witnesses and Justice Reform (Scotland) Bill financial memorandums, which were in turn based on SPCB data, include external audit and legal fees and are estimated at £30,000, while the Financial Memorandum for the Disability Commissioner (Scotland) Bill estimated a cost of £35,000 per annum. The SHRC's accounts state that £25,000 in 2023-24 and £18,000 in 2022-23 had been spent on Auditor's fees and £8,000 had been spent on legal and consultancy fees in 2023-24, with £20,000 spent in 2022-23. It is noted that the Commissioner for Children and Young People in Scotland's annual accounts for 2024 placed the cost of professional fees at £60,000 and £50,000 in 2023. However, the Commissioner for Children and Young People in Scotland's annual accounts note that advice and investigation costs are incorporated into the cost of professional fees.

43. Using the Commissioner for Older People in Wales as a comparator, an amount of £56,000 was spent by the Welsh Commissioner on professional fees in 2023-24, with £48,000 spent in 2022-23.⁴

44. Figures provided by SPCB officials estimate that professional fees may include internal and external auditors at £28,000 per annum and legal advisors at £10,000 per annum. It is expected that the Commissioner will need other advisors, for example, experts in a particular subject on which the Commissioner wishes to undertake some research. An additional £10,000 per annum has been estimated for this. Based on the figures set out above, a range of between £30,000 and £60,000 has been estimated the purposes of this memorandum.

Training

45. There may be some costs associated with training for staff in the Commissioner's office, both at the point of recruitment and on an on-going basis. However, it is difficult to estimate such costs without knowing how frequently training will be carried out and what type of training will be undertaken. In addition, there is a lack of information available in the annual accounts of existing public bodies regarding the cost of training specifically. For example, the Commissioner for Children and Young People in Scotland groups training and recruitment costs together at a cost of £26,000 in 2024 and £45,000 in 2023. Based on the estimate of £9,000 of this being allocated to staff recruitment, it is estimated that the Commissioner for Children and Young People in Scotland spends between £17,000 and £36,000 per annum on staff training for 15 FTE members of staff.⁵

⁴ The 2023-24 accounts were not available at the time of writing.

⁵ The amounts allocated in the CYP Commissioner's accounts in 2023 and 2024 respectively minus the estimated cost of £9,000 on recruitment.

46. Using the Commissioners for Older People in Wales and Northern Ireland as comparators, an amount of £13,000 was spent by the Welsh Commissioner on training and development in 2023-24, while the Northern Irish Commissioner spent £8,164 on staff training, development and welfare in 2022-23.⁶

47. Based on the above examples, the Member considers it reasonable to estimate that between £8,000 and £36,000 per annum will be spent on staff training.

Investigations

48. There may be some additional associated costs should the Commissioner carry out investigations. The Commissioner will be able to request information relating to a specific investigation or require an individual to give evidence in person or by other means. The Commissioner may pay travel expenses where required, should the individual travel to provide evidence in person. The cost of this is difficult to quantify as it will depend on various factors including the frequency of investigations, whether in person evidence is required and the distance the person providing evidence is required to travel.

49. The Commissioner for Children and Young People in Scotland's annual accounts do not specifically account for investigation costs but instead include advice and investigation costs in professional fees, at a cost of £60,000 in 2023-24. SPCB officials have estimated that £50,000 per annum may be spent on investigation costs on average. Based on these figures an estimate of £50,000-£60,000 per annum has been estimated for investigation costs. Should the Commissioner not routinely undertake investigations an adjustment will have to be made to their annual baseline budget to remove these costs.

Promotion and participation

50. Part of the Commissioner's role will be to engage with, consult with and listen to older people in order to be able to effectively promote and safeguard their rights. In order to do this, the Commissioner may wish to undertake various promotional activities. While some of this will be covered by travel, subsistence and website costs as referred to above, the Commissioner may allocate a budget to, for example, facilitating events or producing written or visual materials about their work.

51. SPCB officials provided an estimate of £20,000 per annum for publicity and promotional activities. The SHRC's accounts for 2023-24 set out that £88,000 had been spent on non-consultancy external engagement costs, with £13,000 spent on this in 2022-23. The Commissioner for Children and Young People in Scotland spent £104,000 on promotion and participation in 2024 and £85,000 in 2023. However, as a comparator, the Commissioner for Older People Northern Ireland's annual accounts demonstrate that it spent £6,536 on promotions and media engagement in 2022-23 and £4,794 in 2021-22.

52. Based on the above amounts attributed to Scottish public bodies, a range of £20,000 to £100,000 has been estimated for publicity and promotion costs.

⁶ The 2023-24 accounts were not available at the time of writing.

Administrative and other costs

53. Figures provided by SPCB officials estimate various costs associated with the running of a commissioner's office, totalling £47,000 per annum. This includes £10,000 on admin costs, £2,000 on hospitality, £2,000 on insurance, £1,000 on library costs, £2,000 on postage, £5,000 on telephone costs and £25,000 on printing. These have been incorporated into the cost estimates included in this memorandum.

Costs on the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service

54. The Bill makes it an offence, where certain conditions are met to fail to appear before the Commissioner or fail to provide information or documentation to the Commissioner when asked to do so in the course of an investigation carried out by the Commissioner.

55. The offence would be subject, under summary procedure, to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.

56. The process of prosecuting someone for offences created by the Bill would incur costs on the Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Courts and Tribunal Service (SCTS). The costs of court procedures likely to vary greatly depending on the complexity of the case in question. Scottish Government figures for 2016-17 provided the average costs of Sheriff Court (summary procedure) and Justice of the Peace Courts as follows:

	Sheriff Court (summary procedure)	Expressed as 2025/26 costs ⁷	Justice of the Peace	Expressed as 2025/26 costs	Average cost	Expressed as 2025/26 costs
Prosecution costs (COPFS)	£444	£588	£444	£588	£444	£588
Court Costs (SCTS)	£440	£583	£243	£322	£341.50	£452.50
Total	£884	£1171	£687	£910	£785.50	£1040.50

57. It is difficult to predict how often an offence under the Bill will be committed, particularly as the offences relate to investigations and it will be for the Commissioner to determine how often investigations take place. The Member's expectation is that those asked to provide information to the commissioner or appear before the commissioner as part of an investigation will willingly do so thus not committing an offence.

⁷ Using SPICe real terms inflation calculator, retrieved March 2025 from <https://spice-spotlight.scot/real-terms-calculator/>.

Costs on Scottish Prison Service

58. Should there be convictions made under the offence created by the Bill, there may be a resultant cost on the Scottish Prison Service. However, it is difficult to estimate the cost that this would place on the Scottish Prison Service as for each offence varying factors would need to be taken into account, including whether the person was given a fine or a custodial sentence and, if a sentence was given, how long would it be for.

59. Given the very low numbers of offences estimated the number of people, if any, who will potentially serve a prison sentence is estimated to be very low is estimated to be very low and therefore costs to the Scottish Prison Service, if any, are expected to be minimal.

Table B – estimated annual costs

Type of cost	Estimated amount
Commissioner and staff remuneration	£381,732
Accommodation	£140,000-£190,000
IT support and website maintenance	£20,000-£45,000
Payroll and HR services	£4,000
Travel and subsistence	£7,000-£43,000
Research	£10,000
Professional fees	£30,000-£60,000
Training	£8,000-£36,000
Investigations	£50,000-£60,000
Promotion and participation	£20,000-£100,000
Administrative and other costs	£47,000
Estimated total	£717,732-£976,732

COSTS ON LOCAL AUTHORITIES

60. One of the Commissioner’s functions will be to promote best practice by service providers. Further to this, the Commissioner will have powers to undertake investigations into by what means and to what extent a service provider has regard to the rights, interests and views of older people or an older person in making decisions or taking actions that affect an individual older person or older people.

61. The Bill defines service providers as “any person providing services for an older person other than a person providing services for them because of their existing family relationship, community or neighbourhood links, or friendship with them and who does not principally provide those services for remuneration or as part of their employment.” It therefore follows that a local authority may be considered to be a service provider.

62. The Commissioner may make recommendations for change following an investigation. For example, they may recommend that a local authority makes changes to the way they involve older people in their decision-making processes, which may require additional resources/ funding. However, the local authority would have no obligation to act on any such recommendations and

while the Commissioner should influence and encourage change, they will not have the power to require such changes.

63. In the course of an investigation, a service provider may be required to provide documentation to the Commissioner, or to provide evidence to the Commissioner, either in person or by other means. There may be some minimal costs associated with doing so. While the Bill does not directly provide for this, the Member considers that, should the service provider be required to travel in order to provide evidence, their expenses would be covered by the Commissioner's office budget.

64. It is not therefore anticipated that there will be any new costs for local authorities as a result of the Bill.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

65. As noted in the above section on local authorities, other bodies, individuals and business who provide a service to an older person or people may be considered to be service providers under the Bill and therefore may be subject to recommendations from the Commissioner. However, as the Commissioner will not have the power to enforce any such changes no new costs are expected to be placed on bodies, individuals or businesses as a result of this.

66. In the course of an investigation, a service provider may be required to provide documentation to the Commissioner, or to provide evidence to the Commissioner either in person or by other means. There may be some minimal costs associated with doing so. While the Bill does not directly provide for this, the Member considers that, should the service provider be required to travel in order to provide evidence, their expenses would be covered by the Commissioner's office budget.

67. In addition, a service provider may be required to respond to the Commissioner's report on an investigation, and this would involve staffing resources. The Member expects that such duties will be covered by existing staff members and therefore will not generate any new costs.

This document relates to the Commissioner for Older People (Scotland) Bill (SP Bill 64) as introduced in the Scottish Parliament on 2 April 2025

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