

Proposed Commissioner for Older People (Scotland) Bill – Colin Smyth MSP

Summary of Consultation Responses

This document summarises and analyses the responses to a consultation exercise carried out on the above proposal.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. These three sections have been prepared by the Scottish Parliament's Non-Government Bills Unit (NGBU). Section 4 has been prepared by Colin Smyth MSP and includes his commentary on the results of the consultation.

Where respondents have requested that certain information be treated as “not for publication”, or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website <https://www.colinsmythmsp.com/older-peoples-commissioner-bill/>

Responses have been numbered for ease of reference, and the relevant number is included in brackets after the name of the respondent.

A list of respondents is set out in the Annexe.

Section 1: Introduction and Background

Colin Smyth's draft proposal, lodged on 12 June 2023, is for a Bill to:

"establish an independent commissioner to promote and safeguard the rights and interests of older people."

The proposal was accompanied by a consultation document, prepared with the assistance of NGBU. This document was published on the Parliament's website, from where it remains accessible:

[Proposals for Bills – Scottish Parliament | Scottish Parliament Website](#)

The consultation period ran from 13 June 2023 to 23 October 2023 (previously 12 September 2023). The extension was to allow the member-in-charge time to engage with stakeholders and provide more information to them about the consultation.

The member-in-charge of the proposed bill took various steps to make the consultation known. This included:

- Establishing an advisory panel, which included Age Scotland, Independent Age, the Health and Social Care Alliance and Scottish Care;
- A launch event for the consultation;
- Meetings with Scottish Government Ministers;
- Meetings with various organisations which support older people;
- Meetings with care home residents;
- Meeting with the cross-party group for older people;
- TV interviews, including with STV, Good Morning Scotland and ITV Borders;
- Press releases in relation to the proposal and consultation.

The consultation exercise was run by Colin Smyth's parliamentary office.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member's Bill. Further information about the procedure can be found in the Parliament's standing orders (see Rule 9.14) and in the *Guidance on Public Bills*, both of which are available on the Parliament's website:

- Standing orders (Chapter 9): [Standing Orders | Scottish Parliament Website](#)
- Guidance (Part 3): [Guidance on Public Bills | Scottish Parliament Website](#)

Section 2: Overview of Responses

In total, 334 responses were received.

The responses can be categorized as follows:¹

- 8(2.4%) from representative organisations (The Scottish Association of Social Work and Social Workers, Royal College of Nursing (RCN) Scotland, British Geriatrics Society, Royal College of General Practitioners Scotland, Social Work Scotland, Union of Shop, Distributive and Allied Workers, The Royal College of Psychiatrists in Scotland, Scottish Care)
 - 3 (0.9%) from public sector organisations (Aberdeen City Health and Social Care Partnership, Argyll and Bute Health and Social Care Partnership, the Equality and Human Rights Commission)
 - 28 (8.4%) from third sector organisations (various charitable, campaigning, voluntary, non-profit organisations)
 - 2 (0.6%) from other organisations (The Royal College of Physicians of Edinburgh, Common Weal)
 - 7 (2.1%) from individual politicians
 - 37 (11.1%) from professionals with experience in a relevant subject
 - 8 (2.4%) from academics with expertise in a relevant subject
 - 242 (72.2%) from private individuals (members of the public).
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- 99 (29.6%) of respondents asked for their response to be anonymous
 - 21 (6.3%) asked for their submission not to be published.

The vast majority of respondents (96.7%) were supportive of the proposal to establish a commissioner for older people. There were similar levels of support for other elements of the proposed bill, including that a commissioner should focus solely on older people's rights and interests (95.2% of respondents) and that a commissioner should be given investigatory powers (92.1%).

There was less agreement on the age range that a commissioner's remit should cover. Some respondents considered the suggested 60+ age category to be appropriate. However, other suggestions were made – such as a commissioner's remit extending to those aged 50 and over or being limited to those in receipt of a state pension. Additionally, some respondents noted that, rather than assigning an age-range, individual circumstances should be taken into account when determining who a commissioner should represent. For example, it was suggested that people aged 50 and over with health issues could fall under a commissioner for older people's remit.

There was also less certainty as to whether duplication with the work of existing public bodies could be avoided by an older people's commissioner,

¹ It should be noted that respondents may choose how they wish to be categorised.

with 44.2% of respondents strongly agreeing that avoiding duplication would be possible (29% tended to agree, 17.7% were neutral, 2.7% tended to disagree and 1.5% strongly disagreed.)

Reasons given by respondents who opposed the proposal included that it would be too expensive, it would not make a difference to older people and that help should not be focused specifically on older people.

The member received a number of emails and letters from individuals and groups who wished to express their support for the proposed bill, but who, in doing so, did not answer the individual survey questions or who sent a letter or email expressing support in addition to completing a Smart Survey response. The Member received eight emails with expressions of support and two letters – one with 60 signatories and one with 31 signatories – where support for the proposal was expressed.

In addition, some organisations who responded chose not to answer the survey questions, or not to answer question number one, which is mandatory.

Where respondents have not answered the individual survey questions, or have not answered question one, but instead indicated in other ways whether or not they support the general aims of the proposed Bill, they have, where applicable, been included in the qualitative analysis of responses received to the consultation but have not been included in the statistics. This means these responses are not included in the percentages used throughout this document.

Additionally, two late submissions were received which have not been included in the analysis below, but which have been published and are available to read on the member's website. <https://www.colinsmythmsp.com/older-peoples-commissioner-bill/>

Disclaimer

Note that the inclusion of a claim or argument made by a respondent in this summary should not be interpreted as verification of the claim or as endorsement of the argument by the Non-Government Bills Unit.

Section 3: Responses to Consultation Questions

This section sets out an overview of responses to each question in the consultation document.

General aim of proposed Bill

Section 1 of the consultation document outlined the aim of the proposed Bill and what it would involve. Respondents were asked:

Question 1: Which of the following best expresses your view of the proposed Bill (Fully supportive / Partially supportive / Neutral / Partially opposed / Fully opposed / Unsure)? Please explain the reasons for your response.

334 respondents (100% of the total) answered this question.

Of those responses:

- 317 (91.9%) were fully supportive;
- 16 (4.8%) were partially supportive;
- 5 (1.5%) were neutral (neither supportive nor opposed);
- 2 (0.6%) were partially opposed;
- 4 (1.2%) were fully opposed.

Reasons for supporting the proposed Bill

Need for older people to be represented

Many respondents took the view that older people are often forgotten, overlooked and underrepresented when decisions are made, and policy is formulated. It was considered by some that the proposed Commissioner could play an important role in ensuring that older people's rights are promoted and safeguarded. An individual respondent, Margaret Gibb, stated:

"I am aged 74 years and I have often felt ignored and marginalised. Many people think older people have nothing to contribute to society when in fact it's the very opposite. We need someone to be there to stand up for us." (SS ID: 229298326)

Some respondents emphasised the positive role that older people play in society, and the need to value the life experience and knowledge that they

have. It was considered by some that older people are often discriminated against and criticised, with one anonymous respondent stating:

“For too long older people have not been valued for the contribution they have given over the years nor are they currently viewed as an asset to society rather they are viewed in as an extremely negative drag on society. They need to learn from other cultures where older citizens are regarded as an asset to society.” (SS ID:229219943)

Reference was frequently made to Scotland’s increasingly ageing population, and the need to have appropriate services in place to meet the needs of older people. It was suggested that a commissioner could help to ensure that the rights of the older population are fully incorporated into policy and legislation. For example, Food Train Scotland, a national charity that supports older people across Scotland to eat well, age well and live well, set out that:

“We believe the commissioner role is integral for advocating, championing and holding government to account in protecting the rights of older people, as well as celebrating their contributions to Scottish society. Scotland's population is ageing and we now have more people aged over 65 than under 15. Policy must reflect the challenges and opportunities this demographic shift creates for Scotland and an independent voice is critical to delivery of this.” (SS ID: 228877049)

Issues faced by older people

It was suggested that a commissioner could play a valuable role in addressing issues faced by older people. For example, in reference to the social care sector, Scottish Care, a membership organisation and the representative body for independent social care services in Scotland, stated:

“The social care sector is currently grappling with a range of complex issues, including workforce shortages, limited resources, and the demand for high-quality care services. Adequate funding and support for care providers are lacking yet essential to ensure that older individuals receive the level of care and attention they require. Furthermore, the COVID-19 pandemic has exacerbated existing challenges and highlighted the critical importance of robust, resilient, and responsive social care systems. These challenges underscore the urgency of comprehensive reform and investment in the social care sector, which the "Commissioner for Older People's Bill" can significantly contribute to by safeguarding the rights and well-being of older people in Scotland, and by bringing voice to the voiceless.” (SS ID: 229712533)

In addition to highlighting the negative impact that the COVID-19 pandemic has had on older people, the Royal College of Psychiatrists in Scotland

referred to the pressure that older people's mental health services are under, and stated:

"This Bill should be able to highlight more effectively where older people remain disadvantaged and exert a degree of pressure on organisations to take action to reduce these inequalities. Older people need support to have a stronger voice to advocate for better health and social care services." (SS ID: 229708762)

Some respondents noted that many older people are living in poverty. For example, withYou Ltd, a social care charity, noted that 15% of older people in Scotland are living in relative poverty (SS ID: 226155391). Further to this, Fuel Poverty Action, a group that campaigns on fuel poverty and climate issues, highlighted the impact that the energy crisis has had on older people, stating:

"In the midst of the ongoing energy crisis, older people have been hit especially hard. Often finding themselves in energy inefficient social housing, and often struggling to fund adequate heating for themselves. We see that whilst these are issues faced by other groups as well, older people are uniquely vulnerable to them as they are more likely to suffer adverse effects resulting from poorer conditions, and as such need someone to be able to voice their concerns as a priority, lest they otherwise continue to go unheard and uncared for." (SS ID: 227180638)

Other respondents highlighted that older people can often feel lonely and isolated. ACE IT Scotland SCIO, a charity which promotes digital inclusion amongst people over-50, suggested that an advocate for older people could help address issues connected with an increasing reliance on technology:

"We believe it is vital that older people have someone to advocate for their safety and rights. As the world moves more digital every year, reliance on online services puts those older people who are digitally excluded at a significant disadvantage with implications to their health, wellbeing and financial stability." (SS ID: 225261315)

Some respondents referred to the challenges faced by older people with certain health conditions or impairments. For example, About Dementia, Age Scotland, a forum for improving the lives of people affected by dementia, noted research which found that there are 90,000 people living with dementia in Scotland, and further stated that:

"Dementia is not solely an older people's issue; the diagnosis rate of early onset dementia increases annually. That said, we are acutely aware that the majority of people who are affected by dementia,

whether they are older adult unpaid carers or people living with dementia, are over the age of 65.

We support the call for a Commissioner for Older People, and we strongly believe that following the introduction of this role, significant resources and infrastructure should be put towards considering the numerous ways that people are affected by dementia face injustices, and inequalities on a daily basis.” (SS ID: 229437701)

In addition, Sight Scotland and Sight Scotland Veterans, a charity providing support, care and education for vision impaired people of all ages in Scotland, highlighted the challenges faced by older people with visual impairments, and suggested that a commissioner could play a role in supporting such people:

“An issue that we recognise to disproportionately affect older people in Scotland with visual impairment, is the feelings of loneliness and isolation that many experience. This is something we find concerning and which became even more pertinent during the Covid-19 pandemic. As we now work to reduce these feelings and support older people with visual impairment as much as possible, we fully support the proposal for a Commissioner for Older People.” (SS ID:229514039)

Age Scotland, which was fully supportive, set out that:

“There is much evidence of situations where older people are not able to access their rights. We feel the existing bodies with statutory responsibility for raising awareness of rights, providing oversight, and ensuring access to justice where things are going wrong, lack the resource and capacity to deal with the scale of the task facing them in a way that allows sufficient focus on older people’s issues.” (SS ID: 229560656)

Functions and focus of the commissioner

Some respondents set out their views on how an older people’s commissioner’s office should be set up and function. For example, it was considered that a commissioner should have enough authority to make real changes for older people.

It was noted that there are existing organisations which work specifically with older people, with suggestion made that a commissioner could play a co-ordinating role, with oversight of existing services. For example, an individual respondent stated:

“I was fortunate to receive support from a number of agencies in the support of my late father. Unfortunately not every older person has access to family capable or interested in supporting them. A Commissioner for Older People would be able to ensure that relevant

services work together to provide such support, without removing the rights of the older person to make decisions while still capable.”
(Kathleen Cameron, SS ID: 229189723)

Reference was made to older people’s commissioners which have been established in Wales and Northern Ireland, as well as to a commissioner for Children and Young People in Scotland. It was noted that as Scotland already has a commissioner for children there should also be one for older people.

Some respondents commented on the potential role that the Scottish Government may play in relation to older people, with Common Weal, a think tank and advocacy group which campaigns for social and economic equality in Scotland, stating:

“We are partially supportive of the proposal for a commissioner qualified by our preference for a Minister for Older People (a post previously held from 2018 -2023 by Christina McKelvie MSP) to provide clear democratic accountability and strong governmental leadership.” (Non-smart survey response)

While partially supportive of the proposal overall, an anonymous respondent raised concerns regarding the establishment of a commissioner’s office, stating:

“I have reservations in creating yet another non-governmental public body since all of our experience with these sees an exponential growth in the administrative functions of the body with a commensurate increase in costs for what can be scant benefit.” (SS ID:229167962)

This view was echoed by others who were partially supportive of the proposal, with some unsure how effective a commissioner would be, and concerns expressed that a commissioner would only be a “talking shop” (Christopher Peyton, SS ID: 229237515)

The Scottish Association of Social Work and Social Workers, (SASW) which was also partially supportive, noted that there would be overlap between the work of an older people’s commissioner and that of other commissioners, noting that “this would need to be managed but could prove to be positive by supporting and magnifying the overlapping issues.” (SS ID: 225801394)

Reasons for opposing the proposed bill

Views expressed by those opposed to the proposed bill (4 (1.2%) fully opposed, 2 (0.6%) partially opposed) included that a commissioner would not make any difference, with an individual respondent, Brian Murray, stating:

“There is nothing a commissioner can do that can’t already be done by the people working with the elderly. The problem is funding so unless a

commissioner comes with a pot of gold it will be another massive waste of time.” (SS ID: 220245676)

Further reference was made to potential costs, with concerns expressed by a respondent who was partially opposed to the proposal regarding the “financial burden” a new commissioner would create (Frank Brown, SS ID: 229666419). It was also suggested that the issues experienced by older people were not unique to older people, with one anonymous respondent, in discussing housing supply issues, stating:

“Please do not segregate this into an older people problem (due to an ageing population) as housing is causing a problem (so lack of well-being) to younger adults and also older ones.” (SS ID:222238882)

Other points made

The Law Society for Scotland was one of 5 respondents who were neutral towards the proposal. It raised concerns about how a commissioner would fit into the “crowded landscape” of other public bodies, stating:

“We consider that given the scale and breadth of challenges faced by older people that a commissioner who can focus on the issues affecting older people may play a useful role, but we remain concerned about the potentially crowded landscape....and would welcome further detail on how the proposed Commissioner will interact with other Commissioners and organisations.” (SS ID: 229675253)

Question 2: Do you think legislation is required, or are there are other ways in which the Bill’s aims could be achieved more effectively? Please explain the reasons for your response.

294 respondents (88% of the total) answered this question.

There was not a tick-box option for this question. Many respondents simply stated that they considered that legislation was required in order for the proposed bill’s aims to be achieved. A few respondents stated that they did not consider legislation to be necessary or did not know whether legislation was necessary.

Several respondents expressed their support for the proposed bill, with many of the points made in response to question 1 reiterated and therefore not covered in detail below.

Support for legislation

Most respondents considered that legislation would be the best means of achieving the proposed bill's aims. WithYou Ltd highlighted the potential positive impact of creating a commissioner via legislation, stating:

"Legislation will provide the Commissioner with a mandate, powers, responsibilities, and a legal basis for appointment as well as operational and reporting requirements. As such, the Commissioner will be able to highlight and address issues of progress and accountability, independent from government influence, which is imperative now more than ever." (SS ID: 227180638)

It was considered by some that the aims of the proposed bill could not be achieved without legislation, as legislation is needed to drive action. For example, Francesca Brennan, a Councillor, stated:

"I think that the proposals within this Bill should be enshrined in law partly to demonstrate a national commitment to the proposed aims contained within the Bill but to ensure that the actions within the proposal are carried out. Too often we find that support for important projects and proposals, when not backed by legislation, is hard to maintain and vital outcomes are not met. The proposed legislation clarifies the necessary actions and steps which need to be put in place to make positive -and potentially transformational- changes for Scotland's older people." (SS ID: 225427872)

Other respondents considered that establishing a commissioner through legislation could help to ensure that they were independent from Government and would also create a degree of accountability, and "the teeth necessary for people to take notice." (James Riley, SS ID: 221327137) One anonymous respondent stated:

"Legislation is the preferable option. Without legislation the role will lack the necessary statutory powers to ensure it is taken notice of and actively engaged with. It is also more likely that the role will be watered down or lost completely if it is not enshrined in legislation." (Anonymous response, SS ID: 229167710)

It was considered by some that a commissioner could perform a similar role to that of the Children and Young People's Commissioner Scotland, with Parkinson's UK Scotland expressing the view that:

"... legislation is required to create a role similar to that held by the Children and Young People's Commissioner. There is a job to be done for Scotland's older people. This is not being done by the existing structures, and we believe it is time for legislation to create a Commissioner who would make it impossible for Scotland's older people to be overlooked." (SS ID: 229706076)

Some respondents discussed the legislative powers that a commissioner would require in order to be effective. For example, the Scottish Association of Social Work and Social Workers noted:

“For the commissioner to have the impact that is expressed in this proposal, it would need significant powers and to have a distinct focus on equality, diversity and inclusion. Without this the commissioner could indirectly cause inequalities such as class, gender and ethnicity to become more engrained by failing to recognise individual differences and wishes.” (SS ID: 225801394)

Suggested additions and alternatives to legislation

It was suggested that other steps should be taken in addition to establishing a commissioner. For example, Sight Scotland and Sight Scotland Veterans stated:

“Any further legislation created must be accompanied by raising awareness of current obligations, identifying gaps and needs not being met, as well as highlighting good practice and positive examples.” (SS ID:229514039)

Some possible alternatives to legislation were suggested. For example, the Union of Shop, Distributive and Allied Workers stated:

“The effectiveness of the Bill can only be assessed where legislation has been implemented and for this reason Usdaw believes legislation would be required. However, some of the aims of the Bill, including protecting the rights of older individuals can be achieved through better cross-agency collaboration, between relevant government agencies, NGO’s and stakeholders, including Unions, to address their needs.” (SS ID: 229705455)

Common Weal’s response discussed the importance of a commissioner working alongside existing older people’s forums:

“We suggest that the office of Commissioner would be strengthened if it were aligned to a network of independent Senior’s Forums comprised of older people but allied to other groups in society. Such Forums would be a practical means of fostering Inclusiveness, sharing perspectives, developing intergenerational understanding, ensuring that policy aims stayed relevant, and that actions are effective and monitored by citizens with a direct interest in the outcomes.” (non-smart survey response)

The Health and Social Care Alliance Scotland (the ALLIANCE), a national third sector intermediary for health and social care, referred to an alternative

to a new commissioner which was set out in a paper by the Scottish Human Rights Commission, suggesting that:

“...there could be a rapporteurship structure which would entail a series of small teams within a National Human Rights Institution (NHRI) focused on particular groups of people and/or particular human rights treaties.” (SS ID: 229518313)

Opposition to legislation

Some respondents questioned whether a focus should be placed on older people over any other group, with one anonymous respondent stating:

“Legislation already exists in terms of equality and rights, so why have 'an independent commissioner to promote and safeguard the rights and interests of older people' as Scotland (the UK) should be promoting and safeguarding the rights and interest of all of its people. It is divisive to highlight one section of the population.” (SS ID:222238882)

An individual respondent also questioned the value of introducing legislation, stating:

“Passing a law will not change people's attitudes. I think more dialogue and honesty is needed primarily.” (Lesley Murray, SS ID:229127480)

Question 3: Which of the following best expresses your view on whether there is a need for a specific, dedicated Commissioner focusing solely on older people’s rights and interests? (Fully supportive / Partially supportive / Neutral (neither support or oppose)/ Partially opposed/ fully opposed/ Do not wish to express a view)? Please explain the reasons for your response.

329 respondents (98.5% of the total) answered this question.

Of those responses:

- 299 (90.9% of those who answered the question) were fully supportive;
- 14 (4.3%) were partially supportive;
- 2 (0.6%) were neutral (neither supportive nor opposed);
- 1 (0.3%) was partially opposed;
- 6 (1.8%) were fully opposed; and

- 7 (2.1%) did not wish to express a view.

Supportive

A number of respondents referred to their answers to previous questions, with many of the points made in response to questions 1 and 2 reiterated, including that:

- a commissioner could act as a champion for older people;
- Scotland has an ageing population and older people are often overlooked or discriminated against; and that
- the Children and Young People's Commissioner Scotland serves as a good example of the impact that an older people's commissioner could have.

The Royal College of Nursing (RCN) Scotland explained why it considers a commissioner dedicated to older people to be important, stating:

“The resolution passed at RCN Congress makes clear that a dedicated, independent voice is needed for older people to champion their rights and ensure that policy makers consider the needs of the ageing population. It was felt that an ageing population requires collaboration and joined up thinking to deliver innovative policy solutions that will meet the needs now and in the future. A dedicated commissioner will facilitate the long-term planning that is required to ensure our economy and public service are adapting to demographic shifts, while also enabling people to age well.” (SS ID:226094715)

It was considered that having a commissioner whose remit is dedicated to older people will ensure that their focus is wholly on older people and that they will not be “distracted by other competing demands.” (Roar-Connections For Life Ltd-Renfrewshire, SS ID:222269966)

Some respondents discussed problems which impact upon older people. For example, it was suggested that older people experience a disproportionate level of poverty and have been disproportionately affected by the cost-of-living crisis. (Monica Lennon MSP, SS ID: 223988060) Other respondents were of the view that older people are discriminated against, for example in the workplace, or in relation to healthcare. (Sheila B. Waddell, SS ID:224947215)

It was considered by some that establishing a commissioner dedicated to older people would help raise awareness of the issues that older people face. In addition, the Free Church of Scotland stated that having a dedicated commissioner for older people “sends an important message that older people matter and should help to build trust in what is being done to support older people” (SS ID:229179489)

Some respondents expressed hope that a dedicated commissioner would help to facilitate joined up working between different bodies and organisations, with the British Geriatrics Society (BGS) stating:

“The BGS fully supports the need for a dedicated and independent commissioner for older people in Scotland. Supporting Scotland’s ageing population requires a joint effort across multiple government departments, the NHS, and social care systems. A dedicated commissioner will have a vital role to play in joining up these services and campaigning for the rights of older individuals across the wide range of stakeholders.” (SS ID: 228216007)

The importance of a commissioner engaging with older people was emphasised, with charity the Carers Trust Scotland stating:

“We would welcome the inclusion of lived experience of older people, including unpaid carers, to ensure that their voices are heard and accurately represented in the Commissioner’s work and responses.” (SS ID: 229574701)

Some respondents, while supportive of the proposed bill, expressed concerns as to whether a commissioner would have sufficient powers and be able to make a difference. Concerns were also raised regarding the potential for overlap with the work of an older people’s commissioner and existing bodies. For example, the Scottish Association of Social Work and Social Workers, which was partially supportive in response to this question, stated:

“SASW recognises the ongoing discrimination older people routinely face in Scotland and welcomes any move to challenge the status quo. There are however questions around whether a commissioner is the only way to do this and again, whether any new commissioner would have sufficient powers and avoid conflicting and confusing responsibilities with other organisations and or statutory authorities.” (SS ID: 225801394)

A number of respondents suggested that a commissioner should have additional functions to those proposed in the consultation document, or highlighted areas that a commissioner’s work should focus on. For example, the British Geriatrics Society stated that:

“Improving healthcare for older individuals should also be a priority focus for a new commissioner and should be named alongside these important examples. We recommend that a new commissioner focuses on promoting good quality age-attuned integrated care; and strengthening the older people’s healthcare workforce.” (SS ID: 228216007)

Suggested areas of focus and action for a commissioner included:

- the management of pension funds; (Danderhall And Newton Retired/Ex Miners Branch, SS ID: 229180753)
- establishing an advice and assistance team; (The Royal College of Psychiatrists in Scotland, SS ID:229708762)
- leading a working group that scrutinizes legislative and judicial decision-making; (Fuel Poverty Action, SS ID:227180638)
- " the pressing need to consider access to adequate housing and access to adequate healthcare support as a key area of improvement for older people."; (About Dementia, Age Scotland, SS ID:229437701)
- developing a guide for older people living in care homes and their families and those who receive care and support in their own homes. (Scottish Care, SS ID:229712533)

Opposed

Of those who were opposed (6 (1.8%) fully opposed, 1 (0.3%) partially opposed), the reasons given for doing so included the view that a commissioner is not needed and the concern that only older people would benefit from the proposal, excluding many people who are having problems (Anonymous respondent, SS ID:220455170). It was also noted that establishing a commissioner would be costly, with one respondent stating:

"It is not a value for money option to set this up - we are not talking about one person doing this but a whole new service and the cost is unacceptable to those paying for it." (Anonymous respondent, SS ID:220455170).

Another respondent questioned how much support there was among older people for the establishment of a commissioner. (Bill Martin, SS ID:229721002)

Other points made

While the Equalities and Human Rights Commission (EHRC) did not overtly state whether it was supportive or opposed to there being a commissioner dedicated to older people, it noted that there are a number of existing organisations which work with and for older people, stating:

"It is not immediately clear to us which of the powers or functions proposed for the new Commissioner are not already held or covered by one or more of these existing organisations." (Non smart-survey response)

Question 4: Which of the following best expresses your view on the age range of the proposed Commissioner's remit covering all those in Scotland aged 60 and over? (Fully supportive / Partially supportive /Neutral (neither support or oppose)/ Partially opposed/fully opposed/Do not wish to express a view)? Please explain the reasons for your response.

331 respondents (99.1% of the total) answered this question.

Of those responses:

- 246 (74.3% of those who answered the question) were fully supportive;
- 58 (17.5%) were partially supportive;
- 10 (3%) were neutral (neither supportive nor opposed);
- 5 (1.5%) was partially opposed;
- 3 (0.9%) were fully opposed; and
- 9 (2.7%) did not wish to express a view.

As demonstrated in the figures set out above, a substantial majority of respondents chose the fully or partially supportive option in response to this question, suggesting that they believe a commissioner's remit should cover people aged 60 and over. However, many respondents who chose one of those options added comments which suggest that they thought that a different age range would be more appropriate. The summary below is therefore not broken down into "supportive" or "opposed" responses but rather by the different age ranges that were suggested by respondents.

60 and over

Many respondents agreed with the proposal that a commissioner's remit should cover all people aged 60 and over. It was considered by some that 60 is an age where people may begin to experience more health issues or when they may be more likely to face discrimination in the workplace. Sight Scotland and Sight Scotland Veterans set out why it considers that those aged 60 plus should be covered by a commissioner's remit:

"We support the suggestion for the age range of the proposed Commissioner's remit to cover those in Scotland aged 60 and over. We feel this is appropriate as at age 60, some individuals may experience age-related health issues, changes to their employment, lifestyle and caring responsibilities – significant areas of life in which a person might

experience discrimination. The Commissioner is therefore best placed to protect the rights of older people at this age point.” (SS ID:229514039)

It was noted that some areas of Scotland have lower life expectancy rates than others, and that this could be a reason for the age range beginning at 60, rather than older, with Roar-Connections for Life Ltd-Renfrewshire, a charity providing low-level, low-cost preventative services to older adults in Renfrewshire, stating:

“Roar have seen the impact of poverty on aging. In poor areas of Renfrewshire life expectancy sits around the 70's whereas in more prosperous areas of Renfrewshire it is more like 90's. 60 is a perfect age to be inclusive to all areas of society.” (SS ID:222269966)

Other respondents considered that 60 is often used as a benchmark of what is considered to be “older”, with some respondents citing the example of people being issued with a bus pass at that age (Anonymous respondent, SS ID: 229168343). In addition, it was observed that, in covering people aged 60 and over, a commissioner’s remit would be the same as that of the Older People’s Commissioners in Wales and Northern Ireland.

Younger than 60

Some respondents considered that a commissioner’s remit should cover people younger than 60 years old. It was suggested that issues that are sometimes connected to age, such as poorer health, can often become more prevalent from age 50 onwards. Reference was also made to life expectancy rates, with LifeCare Edinburgh Ltd, a charity that provides support for older people living in Edinburgh, noting:

“LifeCare would prefer this to be aged 50 or above given life expectancy in certain areas of Scotland, and the age discrimination that can occur. In addition, 50 and over would align with current Scottish Government's 'A Fairer Scotland for Older People' framework for action.” (SS ID: 224576758)

Other respondents that considered that the age range to be covered by a commissioner should start at 50 included Scottish Care, and Age Scotland, the latter of which supports people from age 50 in its own work. Its response noted that “this is an important bracket for older-age related issues such as those in the workplace.” (SS ID:229560656)

The Physiological Society suggested that a commissioner’s remit should cover people aged 50 and above, in order to ensure that they are “are

supported to build resilience and good health as they approach older age.” (SS ID: 228793753) A similar view was expressed by Scottish Care:

“Many individuals in their fifties already face unique challenges related to ageing, health, and social care. Lowering the age threshold can proactively address these challenges and ensure that individuals in this age group are better prepared for the years that follow. It’s also worth noting that most of the data and studies related to older persons, particularly older people in Scotland, use the age range of 50 onwards. Lowering the Commissioner’s age remit slightly would thus be beneficial – not only for the holistic age care approach it allows – but also for ease of understanding and reporting across sectors and studies.” (SS ID: 229712533)

Further reference was made to the Commissioner for Older People for Northern Ireland, with some respondents supporting the model used there in which people over 50 are helped in certain circumstances. The Free Church of Scotland explained that:

“We prefer the approach taken by the Northern Irish Commissioner - while they define an older person as someone aged 60 or over they also give permission for the Commissioner to deal with a matter raised by someone aged 50 or over “if it was an issue that raised a question of principle affecting people age 50 or over generally or there were exceptional circumstances”. In our view this recognises that normally the work should be focused on those 60 or over but that there are times when issues of wider importance come to light in relation to those 50 or over. This degree of freedom empowers the commissioner to take up more issues without being overly restrictive in terms of age.” (SS ID:229179489)

A similar point was made in About Dementia, Age Scotland’s response, which included the views of people with lived experience of dementia. Its response set out that a commissioner should consider the cases of people aged under 60 on a “case-by-case basis.” (SS ID:229437701)

Other responses

Some people took the view that an older people’s commissioner’s remit should only apply to people who are older than the 60+ range that is proposed. It was considered by some that the remit should cover those at state pension age and above (St George’s & St Peter’s Community Association, SS ID: 222755768) or from retirement age upwards (David A Allan, SS ID:221336495), although it was noted that the retirement age can vary and is subject to change (Anonymous respondent, SS ID: 228126602). Some respondents were of the view that a commissioner should pay

particular attention to those who are significantly older, such as those aged over 80 (William Lawrence Newman, SS ID:229186401)

A number of responses noted the difficulty in determining what constitutes an older person and what age range should be covered by a commissioner's remit. It was noted that old age can mean different things to different people and while some people may prosper in their 60s and 70s and not require help, others may struggle. (Royal College of General Practitioners Scotland, SS ID: 229672696) Further to this, one anonymous respondent stated:

"I'm not sure I agree that a 60 year old is an 'older' person. I think there is a difficulty in boxing up everyone over 60 into one category. There is a huge range of issues that separate a 60 year old from a 90 year old. You wouldn't categorise a 20 year old together with 50 year old, although that is the same age range. Within the term 'older' there are so many life stages." (SS ID: 220761834)

Aberdeen City Health and Social Care Partnership also commented on the wide age range that a commissioner could potentially cover:

"It would also be interesting to know how the Commissioner would represent such a wide cohort as those still working and active in their 50s and 60s, with those who are in their 70s, 80s, and beyond. The needs and rights for these groups can be very different, can we have a dedicated champion for such a wide age range?" (SS ID:227737223)

Generations Working Together, a charity supporting the development and integration of intergenerational work across Scotland, made the point that people of different ages should be consulted on matters that impact upon older people:

"It is important to consider the views of people who aren't yet 60, but who ought to have a say in decisions that will effect them once they reach that age. By incorporating the views of all generations, we can build a greater sense of what is important to people in the ageing process and how best to deal with concerns around an ageing population." (SS ID: 229705718)

A small number of respondents answered by stating that they were opposed to the idea of an older people's commissioner.

Question 5: Which of the following best expresses your view on whether the proposed Commissioner should hold powers of investigation? (Fully supportive / Partially supportive / Neutral (neither

support or oppose), Partially opposed, fully opposed, Do not wish to express a view)? Please explain the reasons for your response.

328 respondents (98.2% of the total) answered this question.

Of those responses:

- 278 (84.8% of those who answered the question) were fully supportive;
- 24 (7.3%) were partially supportive;
- 10 (3.1%) were neutral (neither supportive nor opposed);
- 4 (1.2%) was partially opposed;
- 3 (0.9%) were fully opposed; and
- 9 (2.7%) did not wish to express a view.

Supportive

Many respondents discussed the potentially positive impact of a commissioner holding investigatory powers, with Scottish Care setting out that:

“The inclusion of investigatory powers is pivotal as it equips the Commissioner with the tools necessary to scrutinize and address potential concerns, grievances, or systemic issues affecting older people – particularly in instances when other options fail or are insufficient. Likewise, such investigations hold the potential to unearth systemic disparities or challenges within the care sector, enabling the Commissioner to then advocate for policy changes or practices that benefit all older persons in Scotland.” (SS ID: 229712533)

Age Scotland also highlighted the importance of a commissioner for older people having investigatory powers, stating:

“We strongly believe that powers of investigation will be absolutely central to the success of this role and will be necessary for the role and office to deliver the promised work and outcomes with and for older people. These powers should be embedded in the role and in the legislation from the start.(SS ID: 229560656)

The Royal Society for the Prevention of Accidents (RoSPA) was also supportive of a commissioner having such powers, stating that:

“The commissioner should have powers of investigation to ensure visibility, compliance and accountability by organisations with a role to play in issues affecting older people.” (SS ID: 229551889)

It was suggested that the investigatory powers would play an important role in ensuring that those providing services to older people are held to account and that the rights of older people are safeguarded. Aberdeen City Health and Social Care Partnership set out its view as follows:

“This will help uphold the rights and interests of older people in Scotland. Having powers to investigate would mean that the commissioner could look into service providers and how they come to decisions relating to older people’s rights, their views, choices and protect against discrimination. This would also be in line with the powers afforded to the commissioner for children and young people.” (SS ID: 227737223)

It was considered by the Health and Social Care Alliance Scotland (The ALLIANCE), that by carrying out investigations a commissioner would be able to “‘name and shame’ providers that have breached the rights of groups” and that this in turn could encourage providers to make changes. (SS ID: 229518313) Other respondents considered that investigations would provide an opportunity for best practice to be promoted.

Many respondents took the view that an older people’s commissioner must have powers of investigation in order to make an impact and affect change. One anonymous respondent considered that:

“Without powers of investigation the position of Commissioner would be toothless and pointless. Government, organisations and individuals must know that they will be held to account if they are to take the position seriously.” (SS ID:229166794)

Some respondents discussed what or who a commissioner could investigate with reference made, for example, to health care providers and care home providers. An individual respondent set out in more general terms the types of issues that could be investigated:

“Issues that have an impact upon the conditions and quality of life of older people should be subject to scrutiny and investigation. These issues might be very broad in nature, such as the impact of economic changes that make it difficult for older people to afford adequate heating, to quite specific issues such as the treatment of individuals by health professionals and employees. The ability to actively investigate these matters could have a very positive impact on the lives of many older members of our community.” (James Magnus Carmichael, SS ID: 229033565)

Many respondents made suggestions regarding how investigations should be carried out, or what should be taken into account by a commissioner in carrying out an investigation. For example, it was suggested that any investigations should be carried out independently from the Government or other organisations. The need for transparency in investigation work was also commented on by some respondents, including an anonymous respondent with experience in a relevant subject:

“The Commissioner should ensure a robust, transparent, consistent and fair investigation process that those using the process can have trust in and in which government is not involved in any decision making.” (SS ID: 228126602)

Some respondents highlighted that, in order to be able to effectively carry out investigations, a commissioner would need sufficient powers such as the ability to “elicit response from public or other bodies.” (Roddy Stuart, SS ID: 229232603) and to make changes based on recommendations made in investigations. (Dawn Macdonald, SS ID:229496304)

A number of respondents made reference to the investigatory powers held by the Children and Young People’s Commissioner Scotland and the Older People’s Commissioner for Wales and cited them as providing examples of how investigatory powers could be utilised. It was also noted, for example by the Law Society of Scotland, that other public bodies have powers of investigation, and that care should be taken to ensure that there is no overlap of powers (SS ID: 229675253). In addition, LifeCare Edinburgh Ltd, which was partially supportive of an older people’s commissioner having investigative powers, set out that:

“This must avoid duplication and respect the roles of regulatory and investigation bodies already in place, such as Adult Support and Protection investigations, the role of the Care Inspectorate and Health Improvement Scotland.” (SS ID: 224576758)

Some partially supportive respondents expressed the need for clarity and further information in regard to how investigations would work in practice. For example, the Royal College of Psychiatrists in Scotland stated:

“Further clarity is required in terms of the Commissioner’s powers of investigation, as there is potential for overlap with the Mental Welfare Commission.” (SS ID: 229708762)

Opposed

Reasons given for opposing an older people’s commissioner having powers of investigation (3 (0.9%) were fully opposed and 4 (1.2% were partially

opposed) included the respondent opposing the establishment of a commissioner (Anonymous respondent, SS ID:220455170), the view that “schools, Colleges and other supports of young families are in greater need than[older people]” (Andrew Dundas, SS ID: 229283923) and that complaints procedures are already in place. (Frank Brown, SS ID:229666419)

Other points made

While the Equalities and Human Rights Commission (EHRC) did not overtly indicate whether it was supportive or opposed to a commissioner having investigatory powers, it referred to its own investigatory powers and called for clarity in what the proposed older people’s commissioner’s investigatory powers would entail “in terms of the conduct of investigations and addressing findings.” (Non-smart survey response)

Question 6: Given a number of other bodies have similar functions to some of those proposed for the Commissioner, which of the following best expresses your view on whether the proposed Commissioner’s work can avoid duplication with existing officeholders? (Strongly agree/ Tend to agree/ Neutral (neither agree nor disagree)/Tend to disagree/ Strongly disagree/ Do not wish to express a view)

328 respondents (98.2% of the total) answered this question.

Of those responses:

- 145 (44.2% of those who answered the question) strongly agreed;
- 95 (29%) tended to agree;
- 58 (17.7%) were neutral (neither agreed nor disagreed);
- 9 (2.7%) tended to disagree;
- 5 (1.5%)strongly disagreed and
- 16 (4.9%) did not wish to express a view

While some responses specifically commented on the potential for a commissioner’s work to overlap with other officeholders², such as the Scottish

² Officeholders are person/s, independent of Government who have been appointed to a public position. Examples of officeholders include the Scottish Human Rights Commission

Human Rights Commission, others discussed overlap with other bodies and organisations, such as NHS Scotland, and charities which support older people.

Agree

While some respondents – both those who strongly agreed and those who tended to agree that duplication was avoidable – conceded that a degree of overlap between the work and remits of an older people’s commissioner and other organisations was likely, it was generally considered that this should not prevent the establishment of a commissioner for older people, with many respondents suggesting ways in which duplication could be reduced or avoided.

A recurring point made in the responses that agreed that duplication could be avoided was that there is a need for consultation and regular communication between the different bodies, in order that a coordinated approach can be agreed and maintained. Some respondents highlighted the need for the roles and remits of a commissioner and other bodies to be clearly defined, including one individual:

“There needs to be clarity to the remit of the Commissioner for Older People, with adherence to the principles of establishing new independent public bodies, and transparency about information exchanges about the Commissioner's ongoing work with other existing officeholders, and vice-versa to avoid possible duplication. (SS ID: Allana Parker Dymock, SS ID: 220567130).

The Scottish Association of Social Work and Social Workers, which tended to agree that duplication could be avoided, set out some of ways in which it considered that this could be achieved:

“There may be some risks of duplication between commissioners, but these should be easily resolved through proper communication, memoranda of understanding, effective annual planning and joined up working” (SS: ID 225801394)

Some respondents considered that there would be benefit in a commissioner and other bodies working together, with some noting that a commissioner could provide oversight and act as a focal point for the rights and needs of older people. About Dementia, Age Scotland’s responses set out that:

and the Scottish Commissioner for Children and Young People. [Officeholders | Scottish Parliament Website.](#)

“Currently, responsibility for the issues concerning older people in Scotland is scattered across various domains, leading to a fragmented system where no single entity takes comprehensive charge.

The absence of a distinct authoritative body devoted to addressing the concerns of the elderly necessitates a careful evaluation of the efficacy and efficiency of the existing mechanisms.

We believe that by establishing a Commissioner for Older People, the Scottish Government has an opportunity to create a dedicated team and plan focused solely on protecting the rights of older people.” (SS ID: 229437701)

It was suggested that existing public bodies have not adequately addressed the problems faced by older people, with, for example, an individual respondent stating that “other organisations are not representing the interests of older people fully enough and do not appear to work together.” (Sheila B. Waddell, SS ID: 224947215) Other respondents noted the importance of a commissioner being focused on older people specifically, in comparison to other bodies which may have wider remits. WithYou Ltd, which tended to agree that duplication was avoidable, noted:

“We agree with the principles contained within the Proposal and are content that the execution of the Commissioner’s role and its office under these principles will prevent and mitigate duplication of work.

The remit of the Commissioner would be unique as it is to promote and safeguard the rights of Older People only. This limited focus on Older People is essential and will prevent role creep, and, drive collaboration to dovetail with existing roles and departments with a more general remit.” (SS ID: 226155391)

Reference was made to the work of other bodies, such as the Children and Young People’s Commissioner for Scotland and the Older People’s Commissioners in Wales and Northern Ireland. It was noted that these bodies work well, despite the potential for overlap with the work of other organisations. It was further considered that the precedent set by these organisations could be followed by the proposed Older People’s Commissioner for Scotland. Food Train Scotland noted that:

“The Children and Young People’s Commissioner’s Office work collaboratively with other public bodies that have similar functions thus demonstrating the ability to successfully work together as required. A similar structure of working could be established for a Commissioner for Older People when working with other public bodies. Although there are other public bodies that share some of these proposed functions for

instance the SHRC they take a broad population level focus and do not exclusively consider older people (and have the same level of expertise as a Commissioner for Older People would provide)." (SS ID: 228877049)

In addition, Scottish Care noted that it:

"... is optimistic and fully supportive of the proposed Commissioner for Older People Bill's ability to successfully avoid duplication and overlap within Scotland's existing Commissions, such as the Equality and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC). The collaborative approach outlined in the Bill, which draws inspiration from the functioning relationships between the Children and Young People's Commissioner and the aforementioned agencies, demonstrates the potential for effective coordination and cooperation among Scotland's various governmental entities." (SS ID:229712533)

Disagree

Those who answered in this way (5 (1.5%) strongly disagreed, 9 (2.7%) tended to disagree), gave a variety of reasons for doing so, including that they "see no logic" in establishing a commissioner for older people. (Anonymous respondent, SS ID:222238882), that they considered duplication to be a big problem (Anonymous respondent, SS ID:220455170) or that duplication of processes would be a waste of resources. (Frank Brown, SS ID 229666419).

Others, such as an individual who tended to disagree that duplication could be avoided, took the view that this was not necessarily an unsurmountable problem, with one anonymous respondent stating that:

"Duplication doesn't matter, it reinforces the need for more work to be done for a commissioner." (Anonymous respondent, SS ID:229181604)

Other points

Many of the respondents who took a neutral view (58 (17.9%)) in response to the question, set out comments similar to those who agreed that duplication could be avoided. These included:

- that it is important that there is a good dialogue between a commissioner and other bodies and that partnership working takes place;
- that it is important that the remits of an older people's commissioner and other organisations are clearly defined;

- examples of how to avoid duplication and overlap of work and duties can be taken from organisations such as the Children and Young People's Commissioner for Scotland;
- that a commissioner can act as an 'umbrella' and co-ordinate work with the work of other bodies.

Some respondents noted that care would need to be taken to avoid undue overlap or adding to the workload of others. The Royal College of General Practitioners Scotland stated:

"An important consideration would be to ensure that the initiation of this new position not add needlessly to workload or oversight of the healthcare sector where it can be avoided. However, we do believe that the voice of older people, and the addressing of their needs, is not always heard or accounted for and the Commissioner would fulfil a unique role. They would also have a particular cross-sector view which we do not feel is necessarily maintained by other bodies." (SS ID: 229672696)

Some respondents considered that an overlap of responsibilities may help to avoid gaps (Dr Mary Britton, SS ID: 229650301) and highlight areas of mutual concern. (Margaret Ann Handy, SS ID: 229171188)

In its response, the Equalities and Human Rights Commission, which did not specify whether it was supportive, opposed or neutral, commented:

"The process of establishing a new Commissioner for Older People in Scotland should ensure that precision and demarcation in terms of remit are at the heart of the potential future legislation in this area."
(Non-smart survey response)

Question 7: Which of the following best expresses your view on whether the proposed Commissioner should be independent of Government? (Fully supportive/ Partially supportive/Neutral (neither support nor oppose/ Partially opposed/ fully opposed/ do not wish to express a view)

329 respondents (98.5% of the total) answered this question.

Of those responses:

- 292 (88.8% of those who answered the question) were fully supportive;
- 15 (4.6%) were partially supportive;

- 11 (3.3%) were neutral (neither agreed nor disagreed);
- 1 (0.3%) was partially opposed;
- 6 (1.8%) were fully opposed; and
- 4 (1.2%) did not wish to express a view.

Supportive

It was considered important that a commissioner is independent of Government and politically neutral, with some respondents taking the view that a commissioner needs to be independent in order to effectively perform their functions.

Some respondents considered a commissioner's independence to be vital in ensuring that they were not influenced by the policies of the Government when making decisions, recommendations or highlighting issues. One anonymous respondent stated:

“We can see many examples of how non-independent roles can become reflective of government views and open to undue influence. Full independence is essential for user confidence.” (SS ID: 229167710)

In addition, it was considered that a commissioner should be able to scrutinise the work of the Government and hold it to account, with some noting that this may involve being critical of the Government. One anonymous individual respondent stated:

“To undertake the proposed responsibilities effectively the Commissioner and their office should be entirely separate from Government. The post needs the authority and freedom to speak honestly to, and about, Government policy and deeds. Any links to Government would render the post toothless.” (SS ID:229166794)

It was also noted that “Governments come and go every few years but the elderly need to be heard Independently to avoid party politics from interfering and stalling good work.” (Anonymous, SS ID:220468582)

A number of respondents noted that other officeholders, such as the Children and Young People's Commissioner Scotland, were accountable to the Scottish Parliament Corporate Body and took the view that the same arrangements should therefore be put in place for the proposed Older People's Commissioner. The Royal College of Physicians of Edinburgh stated:

“The College considers it essential that the proposed Commissioner should be independent of government and appointed on that basis.

This independence is essential to maintain public confidence in the Commissioner. It is also in line with other established Commissioners. Accountability and governance arrangements could follow those established for the other existing Commissioners.” (SS ID: 226917485)

The requirement for a commissioner to report to the Parliament was discussed, with Sight Scotland and Sight Scotland Veterans setting out the importance of insuring that a commissioner’s annual report is accessible:

“When creating the annual report, we would advise that it is produced and published in accessible formats – for example, in both large print and audio versions. Braille is also a format that we champion, and which should be explored.” (SS ID:229514039)

Some respondents commented that a commissioner would ultimately be answerable to the people of Scotland, and older people specifically. It was considered that making a commissioner independent of government would enhance public support and confidence in the role, with an individual respondent stating:

“To be fully effective and to have the public's full support the position requires it to be totally independent of government (John R.Brown, SS ID:229203574)

While a large number of respondents were of the view that a commissioner should be fully independent of Government, some considered that there would be some role for the Government. For example, an individual respondent stated:

“The Commission should be a part of the Civil Service independent of political party, but should report to government. The Commissioner will have to work with local authorities of different political persuasions and with non-political health authorities and other bodies.” (Anonymous respondent, SS ID: 229403536)

Another individual respondent, who was partially supportive of the commissioner being independent of Government, considered that a commissioner “should be independent in terms of access and control but answerable in terms of accountability.” (Rynagh Flynn, SS ID: 229479556)

While Age Scotland was clear that a commissioner “should be fully independent, to ensure there is no political agenda at play other than to uphold the rights of older people as articulated in law”, it suggested that a commissioner could play a role in advising the Government on issues of importance to older people:

“A Commissioner should be fully independent, to ensure there is no political agenda at play other than to uphold the rights of older people as articulated in law. They should however advise the Scottish Government on issues which affect older people and influence policy which aims to improve life for older people. They should also promote best practice for service providers and hold them to account.” (SS ID: 229560656)

A few respondents raised concerns in relation to an older people’s commissioner’s appointment and accountability. For example, About Dementia, Age Scotland, which took the views of some of its members in preparing its response, noted:

“Whilst members with lived experience were in support of an independent Commissioner for Older People, there were concerns over how a Commissioner would be appointed; who would be involved in the selection of this role; and how the proposed commissioner would be held accountable.” (SS ID: 229437701)

Its response also noted that the background of a commissioner could be important, quoting one of its members as stating:

““I would like to see somebody with a background in meeting older people and listening to their concerns and worries”. (SS ID: 229437701)

One respondent questioned how a commissioner could retain independence if answerable to the Scottish Parliament, stating:

“How can it be independent if the commissioner is appointed by the Parliament and presumably can be fired by them not the pensioners it is meant to be representing” (Bill Martin, SS ID:229721002)

Opposed

Of those who were opposed to a commissioner being independent (6 (1.8%) fully opposed, 1 (0.3%) partially opposed) and provided further comment made points including that a commissioner would be more effective as part of the Government (St George's & St Peter's Community Association, SS ID: 222755768) and have more credibility if linked to the Government (Anonymous respondent, SS ID: 229256576).

Expressing opposition to the establishment of a commissioner, one anonymous respondent stated that:

“We do not need this, however independent of but paid by the government is a contradiction in terms. We have other organisations to lobby for older people that are as independent as they can be so don't create another one.” (Anonymous, SS ID:220455170)

Question 8: Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

322 respondents (96.4% of the total) answered this question.

Of those responses:

- 19 (5.9%) considered that there would be a significant increase in costs as a result of the Bill;
- 161 (50%) considered that there would be some increase in costs;
- 61 (18.9%) considered that there would be no overall change in costs;
- 14 (4.3%) considered that there would be some reduction in costs;
- 10 (3.1%) considered that there would be a significant reduction in costs; and
- 57 (17.7%) skipped to the next question.

Increase in costs

A number of potential costs were identified, including setting up a commissioner's office, paying the salary of a commissioner and their staff, paying for accommodation, travel, IT costs, advisors, inclusive communications and other administrative costs. It was suggested that the financial burden would be higher initially as various set up costs would be incurred. It was also suggested that costs would fall on the taxpayer. (Gordon Miller, SS ID:229164416)

Some respondents noted that there is already a Children and Young People's Commissioner for Scotland with suggestions made that an older people's commissioner may incur similar running costs. (LifeCare Edinburgh, SS ID: (SS ID: 224576758)

It was considered appropriate that money should be spent to help older people and that doing so could lead to positive outcomes for older people. About Dementia, Age Scotland referenced “current inefficiencies” in services for older people and noted:

“There would be costs associated with introducing this office, however, considering the current scale of need, and that of the future, we believe the costs that would be incurred are commensurate and proportionate with the scale of the need. Further, we feel that in the context of Scottish Government and parliamentary budgets, these costs are relatively modest, with the potential to deliver outsized impact.” (SS ID: 229437701)

Others agreed that the cost of a commissioner would be relatively low in the context of the overall Scottish budget, with Health and Social Care Alliance Scotland (THE ALLIANCE) stating that:

“... relative to overall public expenditure in Scotland, only a very modest sum would be required for the Older People’s Commissioner, and it is unlikely to have any wider financial implications.” (SS ID: 229518313)

While it was generally acknowledged that there would be some costs involved in the establishment of a commissioner, and the ongoing work of their office, some suggestions were made on how the costs could be minimised. For example, it was suggested that a commissioner could co-locate and/or share staff with other public bodies. (Anne Hunter, SS ID: 222615506) It was also suggested that a commissioner's salary should be “fair but not excessive.” (Emma Mary Davies, SS ID:229173110)

A recurring theme was the view that costs associated with establishing a commissioner for older people could be offset by long-term savings made as a result of the commissioner’s work. For example, it was suggested that a commissioner’s influence could lead to more older people being part of the workforce and contributing more to the economy or that there may be savings in the health and social care sector (Sheila.B.Waddell. SS ID:224947215) Aberdeen City Health and Social Care Partnership set out that:

“With anything that is implemented there is always a financial impact, however the long term benefits would outweigh the initial outlay. Where the needs of older people, the problems they are facing or any issues they have are addressed in a timely manner by the commissioner, access to the correct help and support for people when they need it, should sustainably alleviate pressures on health and social care services.” (SS ID: 227737223)

Food Train Scotland made the point that money should not be diverted from existing organisations that help older people, but noted the potential long-term benefits of a commissioner:

“Food Train recognises the financial implication of funding a Commissioner and their team and believes there must be clear consideration money used to fund the commissioner is not drawn from existing work to support older people (particularly in funding the voluntary sector). However it also believes with a significantly aging population Scotland must be taking a proactive approach to supporting older people to live well and considering preventative investment spend (rather than seeing this as solely a cost to be borne).” (SS ID: 228877049)

Some responses noted the potential costs on businesses and organisations following a commissioner’s establishment, for example, if a commissioner identifies the need for new services to be set up:

“There could well be some increase in costs for the public sector, as needs for services are identified. This could be mitigated, and potentially reversed in the longer-term, if the Commissioner places enough emphasis on actively engaging older people and unlocking their contribution, as well as on meeting needs.” (Colin Ross, SS ID: 229701224)

Some concerns were raised with regard to the potential costs involved. For example, an individual respondent stated that:

“I am under no illusions that new legislation in this matter could potentially lead to a significant increase in costs. At the present time, given the pressures on budgets of local government and health, are such that the way in which any new services as a result of legal powers would need to be discussed fully with all agencies and local government.” (Kathleen Cameron, SS ID: 229189723)

Another respondent acknowledged that costs would be incurred but considered that they need not be prohibitive “if the development of the role is considered in partnership with other similar roles and organisations.” (Anonymous respondent, SS ID: 229449914)

Reduction in costs

Many of the comments made by those who considered that there would be a reduction in costs were similar to the points covered above. These included that:

- the establishment of a commissioner will create savings in the long-run;
- the needs of Scotland’s ageing population must be addressed; and
- the cost of establishing a commissioner would only account for a small proportion of Scotland’s overall budget.

An individual respondent considered that there is a need for preventative spending, noting:

“We need to shift to a position where needs and interests are anticipated and we rely less on costly emergency solutions. There may be an initial rise in costs but one of the key objectives should be to help ensure that older people maintain independent and healthy lives for longer. This is an area where Scotland is failing.” (Matthew Shelley, SS ID: 229275786)

Some respondents suggested that, in the course of their work, a commissioner may be able to identify savings and efficiencies that could be implemented. About Dementia, Age Scotland stated:

“Addressing the prevailing inefficiencies in older people’s services through a coordinated approach would not only enhance the well-being of the elderly population but also contribute to the financial sustainability of the healthcare system.” (SS ID:229437701)

Vegetarian for Life, a charity aimed at improving the quality of life for older vegetarians and vegans, considered the establishment of a commissioner could lead to a significant reduction in costs and made several points, including that the cost of a commissioner would depend on their mandate, noting that:

“If the Commissioner's role includes advocating for older people's rights, conducting investigations, and providing support services, the associated costs would be higher compared to a more limited role.”(SS ID: 229665742)

It also suggested that a cost-benefit analysis is carried out with regards to the establishment of a commissioner and stated:

“A comprehensive financial analysis and a clear understanding of the Commissioner's role would be essential for making informed decisions. If planned well the law to establish the Commissioner for Older People can bring better health outcomes for older people and improved quality of life, significant reductions in healthcare and social services and more opportunities for business growth.” (SS ID: 229665742)

No overall change

Again, those who considered there would be no overall change to costs as a result of the Bill’s enactment made similar points to those covered above, including the view that older people deserve a champion and that the benefits

of the bill will bring outweigh the costs. It was also suggested that comparable costs of the older peoples' commissioners in Wales and Northern Ireland are not excessive. (The Royal College of Psychiatrists in Scotland, SS ID: 229708762)

Parkinson's UK Scotland noted the potential for savings following the establishment of a commissioner, stating:

"The Commissioner may identify areas that need to be changed to meet the needs of older people. In some cases this may require additional spending, although in others it may be about changing policies that do not have a financial implication.

It is also possible that enabling older people to access services equally may result in reduced costs or increased profits for commercial services, or additional funding for non-profit organisations." (SS ID:229706076)

It was also suggested that the establishment of the Commissioner's office may lead to other funded organisations being replaced in order to bring them "all under one roof" (Gullane Day Centre, SS ID: 221708061)

Question 9: Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question. Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

One hundred and thirty-eight respondents (41.3% of the total) answered this question.

The majority of respondents considered that the proposed bill would have a positive impact on older people specifically. Many responses noted that the proposed bill would have a positive overall impact on equalities, while others stated that they considered that the proposed bill would have no negative impacts on equalities.

Noting the potential for a positive impact on older people as result of the proposed bill, Health and Social Care Alliance Scotland (The ALLIANCE) response stated that:

“The creation of an Older People’s Commissioner is intended by its nature to have a positive impact on older people and their rights. The ALLIANCE agree that the role is likely to have an overall positive equalities impact by raising awareness of the rights of disabled people and offering a mechanism by which breaches of those rights can be highlighted, challenged, and addressed.” (SS ID: 229518313)

Some respondents considered that more support and services are currently available for groups of people with protected characteristics other than age. For example, About Dementia, Age Scotland stating:

“It is evident that the Rights of Older People and their representation as a demographic have been notably and unfairly overlooked within statutes, guidance, and governmental focus.” (SS ID:229437701)

The existence of the Children and Young People’s Commissioner Scotland was noted, and it was considered by one respondent that an older peoples’ commissioner would therefore “provide an equality balance with young people.” (Anonymous respondent, SS ID: 220666031)

It was also noted that most people will eventually become older and therefore benefit from there being a commissioner for older people, with an individual respondent noting:

“All the categories of people you have outlined above have in common the fact of their humanity and the fact that they will grow old, with similar and different needs. It would be incumbent on the post holder and staff to ensure they listened to and understood the similar and different needs of all the older population and to have the ability to respond appropriately to all.” (Hazel Wood, SS ID:229168984)

Another individual respondent discussed the potential benefits for all, stating:

“If the results lead to greater engagement, health and well-being for older persons then society as a whole will benefit through reduced social costs, more people in employment and a more inclusive society in general.” (Rynagh Flynn, SS ID: 229479556)

Many respondents considered that there are often intersections between different protected characteristics and that this should be accounted for in the work of a commissioner. For example, Parkinson's UK Scotland highlighted the potential intersections of age and disability. (SS ID:229706076) Another

respondent noted that women may benefit from the proposed bill as they are more likely to be carers to older people. (Anonymous, SS ID: 229171240)

Sight Scotland and Sight Scotland Veterans highlighted the proposed bill's potential impact on visually impaired older people:

"We believe that the introduction of a Commissioner for Older People would allow for greater space for the interests and rights of a group of people who are often more vulnerable, and who are increasingly likely to live with impairments like sight loss, to be championed. The proposal would hopefully lead to greater accessibility for older people living with visual impairment and other disabilities, but also greater happiness and quality of life for older people whose interests and rights would be at the forefront of the Commissioner's work." (SS ID:229514039)

With regard to the protected characteristic of religion and belief, the Free Church of Scotland stated:

"We note the consultation paper also highlights the importance of considering intersectionality. We would add to this the importance of including religious considerations as part of this. Often membership in a religious or faith community has played a vital part in the lives of older people in the past but support is needed for them to continue to play an active role in these communities. We would hope the Commissioner would have an awareness of the issues affecting faith and belief and seek to support older people in this." (SS ID:229179489)

With regard to the protected characteristic of sexual orientation, one individual respondent noted "I am part of a working group looking at housing and care for older LGBT people and this post should explicitly support us." (Nicolas Dear, SS ID: 221314051)

It was considered important by some respondents that a commissioner is mindful of how people's different protected characteristics may impact upon their lives. For example, Scottish Care stated:

"We believe it is thus essential to take an intersectional view and approach when considering the potential effects of this proposal, as individuals may have distinct, differing concerns based on multiple factors, including age, disability, gender identity, and other protected characteristics. The Commissioner should play a vital role in addressing these challenges, ensuring inclusivity, as well as promoting nuance and understanding. Taking such an intersectional approach is key to mitigating negative impacts (should they arise) and ensuring that the Commissioner's work benefits all older individuals in Scotland, regardless of their race, religion, gender, orientation, class, or ability." (SS ID:229712533)

WithYou Ltd also stressed that the varying needs and experiences of older people to be taken into account by a commissioner:

“It is, however, important to recognise that “Older People” are not a homogenous group, and as a demographic, are as diverse as every other group under the age of 60 years old. In ensuring commitment to inclusion, equality and consultation and participation, planning should ensure that all groups are represented, i.e., Older People with learning difficulties, addiction issues, physical disabilities, literacy problems, language barriers, sensory impairment and people who are neurodivergent.” (SS ID: 226155391)

Some respondents suggested the proposed bill could potentially have a negative impact on equalities as other people with protected characteristics would not be covered by a commissioner’s remit:

“I can see that there could be resistance particularly from younger or disabled people feeling that older people are receiving privileged treatment. I am not sure how this can be avoided, although having older relatives properly supported will be very welcome for some younger people.” (Michael Player, SS ID:229283022)

Question 10: Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question). Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

One hundred and forty-one respondents (42.2% of the total) answered this question.

A large number of respondents simply commented that they considered that the proposed bill would have no impact on sustainability, or that it would have a positive impact on sustainability.

Many of those who offered further comment considered that the proposed bill could help create a strong, healthy, just society. Food Train Scotland stated that:

“The commissioner would play an integral role to delivering a sustainable economy and just society. There are some challenges that are unique or more prevalent to this population group and having an independent voice and advocate to raise awareness of these issues would play a key role in creating a Scotland that not just supports it's aging population, but creates an environments and communities that support everyone to thrive.” (SS ID: 228877049)

Some respondents considered that the work to be undertaken by a commissioner could lead to older people being healthier, which in itself could lead to older people being able to work for longer, or contribute to the economy in other ways, with The Royal Society for the Prevention of Accidents (RoSPA), stating:

“A healthy older population will be able to contribute to the economy as they are fit to work into later life – whether in paid employment, volunteering or in caring roles e.g. for family members, grandchildren etc.”(SS ID: 229551889)

A number of respondents focused on the impact that the proposed bill could have in the longer term and on future generations, with the British Geriatrics Society stating:

“Through acting as an independent voice for older individuals in Scotland, the Commissioner will lead the way in championing the rights and needs of older individuals not just now, but also by setting the standard for future generations.” (SS ID: 228216007)

Further to this, About Dementia, Age Scotland set out that:

“The establishment of a Commissioner for Older People reflects Scotland's proactive approach to preparing for and endorsing the well-being of its upcoming generations. Contrary to the idea that concerns relating to the elderly are isolated, the reality is that they have an impact on society at large.

We are of the belief that implementing legislation to establish a Commissioner for Older People will play a pivotal role in guaranteeing a society that is equitable and thriving for older people now, and in the future.” (SS ID:229437701)

Some respondents noted the importance of the needs of all age groups being accounted for, with the organisation Generations Working Together stating:

“We envision a Scotland whereby all people are connected and have opportunities to connect with others, from all generations. We firmly believe there is intrinsic social value in establishing this sort of society and that the benefits of this will, unquestionably, improve the lives of people of all ages. Building cohesive and age-connected communities is in the interests of existing and future generations, supporting shared learning, improved educational outcomes, reduced social isolation and loneliness and more. By embedding intergenerational principles into a range of policy areas and thereby making it as widely accessible as possible, we actively establish a culture of connection, cohesion and intergenerational solidarity for future generations. This benefits everyone, young and older alike.” (SS ID: 229705718)

Other respondents highlighted the impact that the proposed bill could have on the environment, with an individual respondent noting that older people may require help or services that could impact on the environment:

“I think this proposal would inevitably cross with environmental changes necessary to prevent further misery. Insulation of homes, replacement of fossil fuel heating, investment in green energy are some. For older people a good transport system is essential for their independence and for those who need physical help some sort of mobility aid is essential.” (Tish Chalmers, SS ID:224868828)

Vegetarian for Life’s response covered the potential impact that the bill could have on sustainability, including in relation to the environment, economy and healthcare. Its response also stated that:

“By advocating for the rights and well-being of older people, the Commissioner can promote a long-term perspective on policy and decision-making. This approach can align with the principles of sustainability, which emphasise considering the impacts of today's actions on future generations and the need to start building a society that is equitable and just for all now.” (SS ID: 229665742)

Question 11: Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

One hundred and twenty-six respondents (37.7% of the total) answered this question.

The majority of respondents who answered this question reiterated their support of or opposition to the proposal or stated that they had no further comment to add. Other points made included that:

Comments on how a commissioner's office should be established and run

- There should be engagement with health and social care workers as they have "knowledge, skills and expertise." (Marie Murray, SS ID:222224195)
- An advisory group should be established, drawn from representatives of all protected characteristics. (Christopher McCormick, SS ID:220303571)
- "robust communication and implementation planning will be central to the success of the role and its longer-term impact." (withYou Ltd, SS ID:226155391)
- There should be "ongoing and comprehensive evaluation of the effectiveness of the role." (The Royal College of Physicians of Edinburgh, SS ID: 226917485)
- "Consideration should be given as to how to best support and protect those who cannot speak for themselves, for example people with advanced dementia." (The Royal College of Psychiatrists in Scotland, SS ID:229708762)
- A Commissioner should work across Governments at local and national level to ensure consistency in standards for older people in service delivery across the country. (William Howat, SS ID:229697405)

Comments on issues that should be covered by a commissioner/who a commissioner should represent

- "The well-being and support of older adult carers must also fall within the scope of a Commissioner for Older People's agenda." (About Dementia, Age Scotland, SS ID:229437701)
- A commissioner should "be responsible for tackling stigma and misinformation related to ageing as we believe it is often inaccurately portrayed in the media which can be harmful." (About Dementia, Age Scotland, SS ID:229437701)
- A commissioner should highlight and promote the work of the third sector in relation to older people. (Free Church of Scotland, SS ID: 229179489)
- A commissioner should look at helping older people who wish to remain in the workforce. (The Physiological Society, SS ID:228793753)
- A commissioner should be able to give advice on pension injustice. (Anonymous respondent, SS ID:229566100)

- A commissioner should look at the issue of inappropriate housing which can, for example, lead to falls. (The Royal Society for the Prevention of Accidents (RoSPA), SS ID:229551889)

Section 4: Member's Commentary

Colin Smyth MSP has provided the following commentary on the results of the consultation.

I would like to thank everyone who took the time to respond to the consultation. I am heartened by the number of substantive responses that provide detailed thoughts on my proposal. The array of responses was particularly welcome. Older people's charities, representative health and social care organisations, community groups and individuals, including professionals or family members with first-hand experience of the challenges that older people face, have all provided insightful contributions.

I wish to give special thanks to Dorothy Hayes from Eccles Court in Stirling who felt so strongly about the need for a Commissioner, off her own back she gathered a range of signatures in support of my proposed Bill. She went above and beyond. It was a pleasure meeting with her and the residents of Eccles Court, as well as reading the hand written notes and letters I received. Ultimately, it's people like Dorothy who are the driving force behind the proposal.

I chose not to encourage 'campaign e mails' through organisations to generate support for my proposal. It was already clear from polling by charities such as Age Scotland and Independent Age that there is overwhelming public support for a commissioner. Instead, the focus of my consultation was on substantive responses to the detail of my proposal, through discussions at a number of meetings and visits. So in addition to those who made written submissions to the online consultation, I met hundreds of people at a range of roundtable events to discuss my proposals.

I would like to thank the *Scottish Older People's Assembly (SOPA)*, the Scottish Pensioners Forum, Hourglass, Unite the Union Retired Members groups, a number of Men's Sheds, Food Train, Ageing Well Ayrshire, Parkhead Loaning Sheltered Housing, Age Scotland, Alzheimer's Scotland, the Scottish Dementia Working Group (SDWG) and the National Dementia Carers Action Network (NDCAN), and others who arranged meetings and events and invited me to their conferences. In addition, I would like to thank the dozens of charities and other organisations for arranging meetings to discuss the details of my proposals, taking the number of people who

engaged in the consultation process to well over 1,000 people, excluding the many more who will have fed into their organisation's response. I have also met with two Equalities Ministers in the Scottish Government and the Scottish Human Rights Commission, and I am grateful for their engagement.

I would also wish to thank the advisory panel I established, involving Age Scotland, Independent Age, the Health and Social Care Alliance and Scottish Care who have been invaluable in developing my proposal.

Finally, I would like to thank the Non-Government Bill's team. Their support has been excellent and invaluable. They've been pro-active and professional throughout, responding to any queries my office has had in a timely and comprehensive manner.

I am buoyed by the overwhelming support for a commissioner who will stand up for the rights and interests of older people - over ninety percent of those who responded to my consultation are in favour. It is clear that there are too many older people who despite the huge contribution they make to society have been left feeling voiceless, undervalued, even disregarded. It's striking that this same feeling was echoed by those who responded to former MSP Alex Neil's original proposal for an older people's commissioner almost two decades ago now.

There's also overwhelming support for the commissioner to be independent of government and to have investigatory powers. As one respondent said, *"The post needs the authority and freedom to speak honestly to, and about, Government policy"* and another *"This independence is essential to maintain public confidence in the Commissioner."* However, it's also important that the commissioner is accountable to Parliament - a point made in several responses to the consultation. Many people wish to see the return of a named Older Person's Minister within the Scottish Government. That is something I support. But there was also clear recognition that the role of a Commissioner was very different from that post, and should be independent of government.

The need to avoid duplication or overlap, particularly when it comes to investigations has been raised. However, I believe this can be overcome as one respondent commented through *"proper communication, memoranda of understanding, effective annual planning and joined up working"*. The older people's commissioners in Northern Ireland and Wales, and the Children and

Young People's Commissioner here in Scotland are examples we can follow. Each have complemented the work of existing organisations rather than duplicating work that has been taking place.

A commissioner could also provide oversight and act as a focal point for the rights and needs of older people. As About Dementia and Age Scotland state, currently the responsibility for the issues concerning older people in Scotland is "*scattered across various domains, leading to a fragmented system.*" I agree that the commissioner should also work alongside existing older people's forums who play a valuable role in promoting the rights and interests of older people. This is why I plan to include a duty to consult such forums in the draft legislation I bring forward.

The issue of cost of the commissioner's office has been raised. One way to minimise running costs may be for example for the commissioner to co-locate with other commissioners like the proposed Disability Commissioner and Children and Young People's Commissioner. However, as some have emphasised in response to the consultation that the cost of the commissioner would be relatively low in the context of the overall Scottish Budget and that this cost could be more than outweighed by the significant benefit that the commissioner could bring and indeed the potential for recommendations from the commissioner to make savings in the delivery of government policy.

The majority of respondents to the consultation agreed that the commissioner should represent those 60 and over. However, I do note that some have suggested that there may be a case for lowering this age to reflect for example the lower life expectancy in some areas. It may be that the Commissioner here in Scotland could follow that in Northern Ireland where they define an older person as someone aged 60 or over but they also give permission for the Commissioner to deal with a matter raised by someone aged 50 or over "*if it was an issue that raised a question of principle affecting people age 50 or over generally or there were exceptional circumstances*". Or the commissioner could simply consider issues on a case-by-case basis.

Since my consultation ended, I have given careful consideration to an alternative way forward of seeking to incorporate in a future Human Rights Act changes to the structure and functions of the Scottish Human Rights Commission to incorporate dedicated commissioners who focus on specific areas such as age when carrying out their work in promoting, understanding and respect for human rights. However, the apparent decision by the Scottish

Government not to pursue a Human Rights Bill means this is no longer an option and would in any case be less effective than a dedicated commissioner for older people.

While the formal consultation for the draft proposal is closed, I have continued to listen and consult with stakeholders. Indeed, I have met as many organisations since the consultation as I did during it. I am genuinely interested to hear how we can strengthen my proposal and to work with organisations and individuals to develop a bill that meets the views of Scotland's older people and the aspiration of the overwhelming majority of people of all ages who back the plan. It's clear that there is support for a strong, independent commissioner with investigatory powers who will stand up for the rights, services and care of older people.

Crucially, a commissioner can also champion the huge contribution that older people make to our society. Too many of our older people face multiple forms of discrimination and are too often negatively stereotyped- when we should be celebrating the immense contribution they make to our communities.

Our older people are an incredibly valuable asset for our country, but far too often they are unappreciated. A commissioner could help change that. Their role - to support, promote and provide opportunities for older people so they can get the best out of life in their later years, would be a decisive step in helping make Scotland one of the best places in the world to grow old.

Annexe

ORGANISATION RESPONSES

ORGANISATION	SMART SURVEY ID NUMBER
ORG_001 Aberdeen City Health and Social Care Partnership	227737223
ORG_002 About Dementia	229437701
ORG_003 Ace It Scotland	225261315
ORG_004 Age Scotland	229560656
ORG_005 Argyll and Bute Health and Social Care Partnership	229026379
ORG_006 British Geriatrics Society	228216007
ORG_007 Carers Trust Scotland	229574701
ORG_008 Common Weal	Non smart survey response
ORG_009 Danderhall and Newton Retired - Ex Miners Branch	229180753
ORG_010 Equality and Human Rights Commission	Non smart survey response
ORG_011 Evangelical Alliance Scotland	229462645
ORG_012 Food Train Scotland	228877049
ORG_013 Free Church of Scotland	229179489
ORG_014 Fuel Poverty Action Scotland	227180638
ORG_015 Generations Working Together	229705718
ORG_016 Gullane Day Centre	221708061
ORG_017 Health and Social Care Alliance Scotland	229518313
ORG_018 Independent Age	229463275
ORG_019 Larkhall and District Volunteer Group	222911351
ORG_020 Law Society of Scotland	229675253
ORG_021 LifeCare Edinburgh Ltd	224576758
ORG_022 Luminate	Non-smart survey response
ORG_023 Obesity Action Scotland	Non-smart survey response
ORG_024 Parkinson's UK Scotland	229706076
ORG_025 Physiological Society	228793753
ORG_026 Roar-Connections For Life	222269966
ORG_027 Royal College of General Practitioners Scotland	229672696
ORG_028 Royal College of Nursing	226094715
ORG_029 Royal College of Physicians of Edinburgh	226917485
ORG_030 Royal College of Psychiatrists in Scotland	229708762
ORG_031 Royal Society for the Prevention of Accidents	229551889

ORG_032 Scottish Association of Social Work	225801394
ORG_033 Scottish Care	229712533
ORG_034 Scottish Dementia Working Group and the National Dementia Carers Action Network, supported by Alzheimer Scotland	Non-smart survey response
ORG_035 Scottish Pensioners' Forum	Non-smart survey response
ORG_036 Sight Scotland and Sight Scotland Veterans Forum	229514039
ORG_037 Social Work Scotland	229683252
ORG_038 St George's and St Peter's Community Association	222755768
ORG_039 Union of Shop, Distributive and Allied Workers	229705455
ORG_040 Vegetarian for Life	229665742
ORG_041 With You	226155391

ANONYMOUS RESPONSES

INDIVIDUAL	SMART ID NUMBER
IND_A_001 Anonymous	220254719
IND_A_002 Anonymous	220255639
IND_A_003 Anonymous	220455170
IND_A_004 Anonymous	220468582
IND_A_005 Anonymous	220666031
IND_A_006 Anonymous	220761834
IND_A_007 Anonymous	221116933
IND_A_008 Anonymous	221327371
IND_A_009 Anonymous	221408864
IND_A_010 Anonymous	221486735
IND_A_011 Anonymous	221517381
IND_A_012 Anonymous	222238882
IND_A_013 Anonymous	222501231
IND_A_014 Anonymous	223006242
IND_A_015 Anonymous	223011196
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IND_A_021 Anonymous	225816676
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IND_A_093 Anonymous	229566100
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IND_A_095 Anonymous	229704501
IND_A_096 Anonymous	228126602
IND_A_097 Anonymous	224872402
IND_A_098 Anonymous	229166366
IND_A_099 Anonymous	220320780

PUBLIC RESPONSES

INDIVIDUAL	SMART SURVEY ID NUMBER
IND_001 Brian Murray	220245676
IND_002 Christopher McCormick	220303571
IND_003 Alex McCluskey	220328194
IND_004 Evelyn Hardie	220329506
IND_005 Steve Abbott	220482072
IND_006 Leonard McNeill	220773243
IND_007 Margaret Stewart	220794673
IND_008 Gaynor Allen	221297566
IND_009 Nicolas Dear	221314051
IND_010 Colin Mitchell	221315041
IND_011 Louise Argo	221328882
IND_012 David A Allan	221336495
IND_013 David Hannah	221369695
IND_014 Lynsey Claire Ainslie	221387582
IND_015 Jay Andrew	221398183
IND_016 John Duffy	221544688
IND_017 Dawn Skelton	221750989
IND_018 James Riley	221327137
IND_019 Marie Murray	222224195
IND_020 John Charles Pittendreigh	222488762
IND_021 Anne Hunter	222615506
IND_022 Steven Day	223071250
IND_023 Robin Woodburn	223567358
IND_024 Monica Lennon MSP	223988060
IND_025 Miss Elizabeth Gibson	224784995
IND_026 Philip n jones	224792593
IND_027 Pamela Ireland	224800786
IND_028 Jim McLean	224871116
IND_029 Tish Chalmers	224868828
IND_030 Sheila B. Waddell	224947215
IND_031 Francesca Brennan	225427872
IND_032 Allana Parker Dymock	220567130
IND_033 AnneMarie Kane	225814786
IND_034 Angela Wilson	225994732
IND_035 Brian Leishman	226058482
IND_036 Janet Henderson	226056260
IND_037 Jonathan Erskine	227919375
IND_038 James Magnus Carmichael	229033565
IND_039 James Gibb Stenhouse	229076622
IND_040 Helen MacLean	229122053
IND_041 Lesley Murray	229127480
IND_042 Michael McGarvie	229164368

IND_043 Josh Hamilton	229164854
IND_044 Margaret Cook	229165105
IND_045 Gordon Miller	229164416
IND_046 Stephen Mcallister	229165087
IND_047 Barbara Harrison	229164678
IND_048 Bailie Gerry McGarvey	229165202
IND_049 Robert Falcon	229166467
IND_050 Kenneth Barlow	229165358
IND_051 Name not provided	229166200
IND_052 Richard Simpson	229165557
IND_053 Colm McConnell	229167087
IND_054 De Anne Hendry	229167730
IND_055 William Heggie	229166028
IND_056 Kors Allan	229168819
IND_057 Carmel Smith	229167763
IND_058 Dennis James Norrie	229168955
IND_059 Charles Craske	229166604
IND_060 John M McCormick	229169672
IND_061 Rhondda Geekie	229169593
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IND_063 John Scanlon	229169299
IND_064 Elaine Logue	229168888
IND_065 Sally Welham	229169198
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IND_067 Catherine Shearer	229171790
IND_068 John O'Donnell	229169207
IND_069 Peter Rowberry	229170546
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IND_071 Jeanette Wallace	229171808
IND_072 Margaret Ann Handy	229171188
IND_073 Gordon McClymont	229172844
IND_074 Gerry Convery	229169466
IND_075 Gordon Bruce	229173424
IND_076 Fiona Armour	229172328
IND_077 Hazel Wood	229168984
IND_078 Morag Sutherland Allan	229173272
IND_079 Emma Mary Davies	229173110
IND_080 Steve Brown	229173087
IND_081 Lisbeth Imrie	229173982
IND_082 Eileen Thomson	229174991
IND_083 Margaret H. Williams	229175189
IND_084 Ruth Phoenix	229175843
IND_085 Thomas Trevor Muir	229175550
IND_086 John Kelly	229175398

IND_087 Robert Leach	229176883
IND_088 Laurence Weir	229176222
IND_089 Shirley Nimmo	229177726
IND_090 Alan McLean	229175895
IND_091 Margaret Henderson	229175364
IND_092 Mylie ferguson)	229375053
IND_093 Arthur John morgan	229178132
IND_094 David C King	229176934
IND_095 Catriona McCulloch	229181023
IND_096 Martyn Watkins	229180529
IND_097 Matt Duncan	229178690
IND_098 Gerard McElroy	229181338
IND_099 Evelyn TETT	229183642
IND_100 Alice Patricia Paine	229181593
IND_101 William Saunders Hughes	229185110
IND_102 Robert Kenny	229186093
IND_103 Karen Wilson	229187682
IND_104 John Leck	229188999
IND_105 Graham Haines	229189778
IND_106 Robert Tossnie	229188280
IND_107 William Lawrence Newman	229186401
IND_108 Erna Macfarlane	229189815
IND_109 Stanley Charles Cook	229193035
IND_110 Rosemary McKenna	229193517
IND_111 Kathleen Cameron	229189723
IND_112 Andrew Cochran	229200847
IND_113 John R Brown	229203574
IND_114 Helen leaver	229209235
IND_115 Alan Hunter	229211574
IND_116 Charles Logan Scott	229213350
IND_117 Michael Tierney	229217097
IND_118 Andrew Kevin Mulford	229210945
IND_119 Marie Lennon	229219241
IND_120 Anjam Ismail	229223916
IND_121 John England	229226691
IND_122 Matthew Bruce	229226740
IND_123 Janet Placido	229227577
IND_124 Pauline Kinsman	229232265
IND_125 Roddy Stuart	229232603
IND_126 Simon Taylor	229235628
IND_127 Donald D Bethel	229236025
IND_128 John Martin	229237553
IND_129 Christopher Peyton	229237515
IND_130 John Ormiston	229246362
IND_131 Samuel Todd	229250283

IND_132 Lawrie Morgan-Klein	229253797
IND_133 Barbara Orme	229261317
IND_134 Jason Paul Monk	229274496
IND_135 Matthew Shelley	229275786
IND_136 Edward Egan	229281279
IND_137 Michael Player	229283022
IND_138 Bob Stewart	229290677
IND_139 Andrew Dundas	229283923
IND_140 Keith Macdonald	229297426
IND_141 Stuart Divers	229299145
IND_142 Patio C. Cockburn	229319670
IND_143 Thomas William Hindmarsh	229224062
IND_144 Andrew Lynch Blaikie	229335676
IND_145 David Mark Williams	229309028
IND_146 Anthony Scoffield	229243944
IND_147 Margaret Gibb	229298326
IND_148 Mr Mauro Di Lullo	229394232
IND_149 Paul Holmes	229419418
IND_150 George Glendinning	229421317
IND_151 Allan Cameron	229469631
IND_152 Thomas Pickering	229474429
IND_153 Ian McAlpine	229480664
IND_154 Rynagh Flynn	229479556
IND_155 Dawn Macdonald	229496304
IND_156 Hazel Kennedy	229529526
IND_157 Peter Sheal	229519667
IND_158 Linda Jane Dorward	229620721
IND_159 Dr Mary Britton	229650301
IND_160 Wilma Brown	229667766
IND_161 Frank Brown	229666419
IND_162 Carolyn Maeve Crouchman	229682832
IND_163 Helen Biggins	229683090
IND_164 Janet Begg	229690267
IND_165 Mrs J Graham	229691011
IND_166 Moira Snowden	229691591
IND_167 S Brodie	229695228
IND_168 William Howat	229697405
IND_169 Mr and Mrs-Harris	229702507
IND_170 Colin Ross	229701224
IND_171 Bill Martin	229721002
IND_172 Archie Dryburn	Non-smart survey response
IND_173 Jodie McVicar	Non-smart survey response

