



Scottish Pensioners' Forum

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This response may be published with the name of our organisation

This response may be shared with other departments dealing with this consultation

We may be contacted again, if necessary, to discuss the details of our response

Response to Scottish Parliament Call for Evidence on a Commissioner for Older People (Scotland) Bill

While the proposal to establish an Older People's Commissioner for Scotland has received widespread support, it's important to also consider the challenges and criticisms that have emerged during consultations.

Having met with champions of the proposed Bill on several occasions, the Scottish Pensioners' Forum has listened to the arguments in support of a Commissioner for Older People and have put these to our members and affiliates.

At our conference in Aberdeen in 2023, an overwhelming majority of delegates were against the proposal, citing the costs involved in setting up a new body but also feeling that the adoption of this role would merely be adding another level of unnecessary bureaucracy to the mix.

There is of course an argument that an Older People's Commissioner would be a powerful advocate for the rights, dignity, and wellbeing of older people by promoting awareness and understanding of older people's rights, reviewing laws, policies, and practices that affect older people, investigating issues such as social care, housing, and age discrimination and celebrating the contributions and achievements of older people, we only have to look at Wales and Northern Ireland, to see that it works for them, but just because they have this system in place that doesn't necessarily mean it would work in Scotland.

1. Strengthen Current Structures

The SPF believes that an alternative model may be more beneficial, with a mechanism already in place, in the form of the Older People's Strategic Action Forum (OPSAF). We do fully acknowledge however that despite having representation from some of the most prominent older people's organisations across Scotland, the Scottish Government has not been as fully committed to this platform than it should have been lately, something which we have raised on numerous occasions.

Scotland's ageing population is not a crisis—it's a success story. But it requires forward-thinking policies. The SPF believes that the reinstatement of a named Minister for Older People should be prioritised by the Scottish Government, working with OPSAF as the main mechanism for engagement with older people across Scotland.

During meetings, organisations would put forward their concerns, the Minister and policy makers would then consider these and report back at subsequent meetings.

Any pressing issues could be discussed through a series of workshops rather than taking up valuable time at regular meetings.

As well as strengthening OPSAF, the SPF also believes that existing advocacy networks could be strengthened and more funding be delivered to grassroots organisations already working with older people.

This approach could offer greater flexibility and lower cost, while still amplifying older people's voices.

2. Ambiguity Around Investigatory Powers

The current draft of the Bill has been criticised for unclear language regarding the Commissioner's investigatory powers. There is concern that:

- The Commissioner might be expected to conduct direct investigations, which could conflict with existing statutory responsibilities.
- This could blur lines of accountability and strain relationships with other bodies such as the Care Inspectorate and the Scottish Human Rights Commission.

The SPF has asked for clarification on these points but at the time of submission has received no response.

3. Financial and Resource Implications

Establishing a new public body comes with significant costs—including staffing, office infrastructure, research funding, and outreach. In a time of tight public budgets, the SPF argues that:

- These funds might be better spent directly improving services for older people.
- Existing organisations could be better resourced to take on enhanced roles instead of creating a new one.

4. Broad Age Range May Dilute Focus

The proposed remit of the Bill covers those aged 60 and over, but this group is highly diverse. Concerns for the SPF include:

- People in their early 60s may still be working and relatively independent.
- The needs of the “older old” (those in their 70s, 80s, and beyond) may be more urgent and distinct.
- A broad remit could stretch the Commissioner's capacity thereby reducing impact.
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5. Risk of Political Tokenism

The Scottish Pensioners' Forum has concerns that the role could become symbolic rather than impactful, especially if:

- It concentrates only on specific issues affecting older people and does not take into consideration the variance across geographical areas of Scotland.
- It is not integrated into decision-making structures.
- It becomes a political gesture rather than a driver of real change.

In brief, the arguments for and against are as follows:

Pros	Cons
Advocacy for Older People: Provides a strong, independent voice to champion the rights and wellbeing of older people.	Role Duplication: May overlap with existing bodies like the Care Inspectorate or Scottish Human Rights Commission.
Policy Influence: Can shape national policy on ageing, care, housing, and age discrimination.	Unclear Powers: Ambiguity around investigatory powers could lead to confusion or conflict with other agencies.
Accountability: Holds public bodies accountable for how they treat older people.	Cost: Establishing and maintaining the office could divert funds from grassroots and community organisations.
Visibility and Inclusion: Ensures older people are heard in public discourse and decision-making.	Broad Remit: May dilute focus and effectiveness of charities and older people's organisations hindering their direct access to government and policy makers.
Learning from Others: Builds on successful models in Wales and Northern Ireland.	Risk of Symbolism: The SPF has concerns that this role could be tokenistic.
Public Support: Strong backing from older people and advocacy organisations.	Alternative Models Exist: The SPF argues that existing bodies could be strengthened instead of creating a new one.

As it stands, the Scottish Pensioners' Forum has not changed its position in that a Commissioner for Older People for Scotland is not necessarily the best way forward for older people's representation in Scotland, however that is not to say that this view is set in stone.

We take this opportunity to again call on the Scottish Government to reinstate a named Minister for Older People as a matter of urgency.