

# **Commissioner for Older People (Scotland) Bill**

## **Social Work Scotland response to Call for Views**

*August 2025*

### **Introduction**

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience of social services. We welcome the opportunity to provide a response to the consultation on the Adult Support and Protection Learning & Development Framework.

### **Background**

On 2 April 2025, Colin Smyth MSP introduced the Commissioner for Older People (Scotland) Bill to the Scottish Parliament, aiming to establish an independent Commissioner dedicated to promoting and safeguarding the rights and interests of individuals aged 60 and over.

It is proposed that the Commissioner would serve as a national advocate for older people, reviewing laws, policies, and practices to ensure their effectiveness, commissioning and publishing research, and highlighting the valuable contributions of older citizens. Empowered to investigate devolved matters affecting older people, the Commissioner would work to ensure their voices are heard and their needs considered across all areas of public policy and service provision. Smyth emphasised that the role would help address the marginalisation of older people and ensure their long-term challenges are meaningfully addressed.

This response outlines Social Work Scotland's support for the Bill's intent, while highlighting key considerations around the Commissioner's remit, strategic focus, and relationship with existing bodies. Drawing on member insights, the document emphasises the importance of advocacy, meaningful engagement with older people, and a strengths-based approach to ageing. It also raises concerns about potential role duplication, the clarity of investigatory powers, and the adequacy of proposed financial allocations, particularly for research.

Overall, Social Work Scotland supports the establishment of the Commissioner, provided the role is clearly defined and strategically positioned to deliver lasting impact for older people across Scotland.

Our response is aligned to the six questions asked within the call for views, followed by a summary of the views relating to the financial memorandum.

## Questions:

- 1. What impact do you think the creation of a Commissioner for Older People would have on different individuals and groups within Scottish society? Please provide a brief explanation of the reasons for your views.**

Social Work Scotland and our members believe that the establishment of a Commissioner for Older People in Scotland has the potential to bring meaningful and wide-reaching benefits to individuals and groups across Scottish society. At its core, the role promises to elevate the visibility and importance of older people's rights, shifting public and institutional attitudes away from viewing ageing as a burden and toward recognising the strengths, contributions, and diverse needs of older adults.

Social Work Scotland and our members support for the proposal, and we note that older people are often overlooked in policy discussions and service redesigns. Unlike other groups, such as those with learning disabilities or younger adults, older individuals frequently lack vocal advocates when services like day centres are closed or altered. A Commissioner could help fill this gap, acting as a dedicated voice to ensure that older people's perspectives are not only heard but actively shape decisions that affect their lives.

The role could also help challenge age-related stigma and discrimination, which continue to influence service delivery. For example, research has shown that older people are sometimes underdiagnosed for conditions like depression, with symptoms dismissed as a natural part of ageing. By promoting a rights-based and strengths-focused approach, the Commissioner could help dismantle these assumptions and advocate for more equitable treatment.

Importantly, the Commissioner's role should not be limited to addressing vulnerability or service failures. Instead, it should focus on systemic issues, such as the strategic direction of long-term care, the closure of community resources, and the broader societal factors that influence ageing, like poverty, housing, and isolation. The Commissioner could act as a bridge between older people and policymakers, drawing on lived experience and research to inform national strategies.

Members did raise concerns about the potential overlap with existing bodies, such as the Care Inspectorate and the Mental Welfare Commission. To avoid duplication, the Commissioner should operate at a strategic level, synthesising insights from other organisations and advocating for change rather than conducting direct investigations.

Finally, the role could also intersect with the experiences of older carers, many of whom are themselves in their 70s or 80s. While the Commissioner should not duplicate the work of carers' organisations, there is value in recognising and supporting this group, particularly as they often play a crucial role in the wellbeing of other older adults.

In summary, the creation of a Commissioner for Older People has the potential to significantly enhance the representation, rights, and wellbeing of older individuals in Scotland. By focusing on advocacy, strategic influence, and positive engagement, the role could help reshape societal attitudes toward ageing and ensure that older people are valued, supported, and empowered.

## **2. Do you have any comments on the proposed roles and responsibilities of a Commissioner for Older People in Scotland as set out in the Bill?**

The proposed establishment of a Commissioner for Older People in Scotland has been broadly welcomed by Social Work Scotland and our members, who recognise the potential of the role to advocate for the rights, interests, and wellbeing of older individuals. However, there is a shared concern that the Bill, in its current form, lacks sufficient detail regarding the specific roles and responsibilities of the Commissioner. This lack of clarity has led to some uncertainty about how the role will operate in practice and how it will interact with existing bodies and frameworks.

One of the key themes emerging from member discussion was the importance of positioning the Commissioner as a strategic and rights-based advocate, rather than as an operational or regulatory figure. Members are clear that the Commissioner should not be tasked with conducting direct investigations into service provision, such as inspecting care homes or intervening in local authority matters. These functions are already well-covered by existing bodies like the Care Inspectorate and local safeguarding teams. Instead, the Commissioner should focus on synthesising insights from these organisations, identifying systemic issues, and using this evidence to influence national policy and practice.

Social Work Scotland and our members support the role of the Commissioner to work in close partnership with older people themselves. The role should be informed by lived experience and grounded in meaningful engagement with the communities it seeks to represent. We suggest that this should involve the formation of advisory groups or stakeholder panels composed of older individuals, ensuring that the Commissioner's priorities and actions reflect the diverse realities of ageing in Scotland.

We have concerns about the investigatory powers referenced in the Bill. The language used is viewed as ambiguous, and the Bill needs to be clear about whether the Commissioner would be expected to carry out investigations directly or refer matters to appropriate bodies. We feel the former would not be an appropriate use of the role and would seek clarification to ensure that the Commissioner's remit does not overlap or conflict with existing statutory responsibilities. A more clearly defined scope, focused on strategic oversight, policy influence, and advocacy, would help avoid duplication and ensure the role complements rather than competes with other agencies.

### **3. What are your views on the proposed age range (over 60s) covered by the Commissioner's remit?**

While Social Work Scotland and our members acknowledge that this threshold aligns with international standards, such as the United Nations definition of an older adult and the precedent set by the Welsh Commissioner for Older People, there are mixed views on its appropriateness within the Scottish context.

There is concern that setting the age at 60 may be too broad, potentially diluting the focus of the Commissioner's work. Many individuals in their early 60s are still active in the workforce, socially engaged, and relatively independent. As such, their needs and experiences may differ significantly from those in their 70s, 80s, or beyond, who are more likely to face challenges related to isolation, declining health, and reduced mobility. It is suggested that the Commissioner's efforts should be particularly attuned to the "older old," where the impact of service provision, community support, and policy decisions are often most acute.

However, we also note that including those aged 60 and above could offer opportunities for early intervention and preventative work. Engaging with individuals before they reach crisis points may help maintain independence and wellbeing for longer. Moreover, this younger cohort may be better positioned to participate actively in shaping the Commissioner's agenda, offering valuable insights and advocacy that could benefit the wider older population.

Member discussion also highlighted the complexity of defining "older age" in a way that reflects lived experience. Chronological age alone does not capture the diversity of ageing, which is influenced by factors such as health status, socioeconomic background, and geographic location. For example, disparities in life expectancy and health outcomes between different communities mean that some individuals may experience the effects of ageing earlier than others.

In conclusion, while the age threshold of 60 is understandable from a policy and international alignment perspective, there is a strong case for the Commissioner's remit to be flexible and responsive to the varied realities of ageing. The role should be informed by both demographic data and lived experience, ensuring that it addresses the needs of those most affected by age-related challenges, while also recognising the value of engaging with younger older adults in shaping a more inclusive and proactive approach to ageing in Scotland.

### **4. What are your views on the proposal that the Commissioner should be independent of Government?**

There was unanimous support among members for the proposal that the Commissioner for Older People in Scotland should be independent of government. This independence was viewed as essential to the credibility, impartiality, and effectiveness of the role.

Social Work Scotland and our members recognise that independence is a standard feature of other Commissioner roles in Scotland, such as those for children and young people, and saw no reason why the Commissioner for Older People should be treated differently. Independence would allow the Commissioner to advocate freely and robustly on behalf of older people, without being constrained by political or institutional interests. It would also help ensure that the Commissioner can scrutinise government policy and service provision objectively and hold public bodies to account where necessary.

Members highlight the importance of the Commissioner being able to build trust with older people and the organisations that support them. Independence from government was seen as a key factor in achieving this, enabling the Commissioner to act as a genuine champion for older people's rights and interests, rather than as an extension of government policy.

**5. Given that a number of other bodies have similar functions to some of those proposed for the Commissioner, how best do you think the proposed Commissioner's remit can avoid duplication with existing officeholders?**

Social Work Scotland and our members express a clear concern about the potential for overlap between the proposed Commissioner for Older People and existing bodies such as the Care Inspectorate, the Mental Welfare Commission, and local authorities. While the creation of a Commissioner was broadly supported, it was emphasised that the remit must be carefully defined to avoid duplication and ensure the role adds distinct value.

Member consensus is that the Commissioner should not engage in direct service-level investigations, which are already the responsibility of established regulatory bodies. Instead, the Commissioner's focus should be strategic and systemic, drawing on findings from existing investigations and reviews to identify broader patterns, advocate for policy reform, and promote best practice across Scotland. This would position the Commissioner as a facilitator of learning and change, rather than a parallel inspectorate.

To avoid duplication, it was suggested that the Commissioner should build strong partnerships with key stakeholders, including Age Scotland, Alzheimer Scotland, and the Coalition of Carers, as well as statutory bodies. Through collaboration and information-sharing, the Commissioner could help coordinate efforts, amplify the

voices of older people, and ensure that insights from across the sector inform national strategy.

Participants also noted that the lack of detail in the Bill regarding the Commissioner's remit contributes to the risk of overlap. A clearer articulation of the role, emphasising advocacy, strategic influence, and rights-based engagement, would help delineate responsibilities and foster constructive relationships with other officeholders.

The Commissioner's remit should be designed to complement, not replicate, existing functions. By focusing on strategic oversight, policy development, and meaningful engagement with older people, the role can fill a critical gap in Scotland's public landscape while working collaboratively with other organisations to improve outcomes for older adults.

## **6. Please provide any other comments you have on the Bill.**

Social Work Scotland and our members welcome the overall intent of the Bill and express support for the creation of a Commissioner for Older People in Scotland, however, there are areas which require further consideration.

There is a need for the Commissioner's role to promote a positive and strengths-based image of older people. There is concern that public discourse often frames older adults in terms of vulnerability or burden, which can reinforce ageist attitudes and influence service provision negatively. The Commissioner should actively challenge these narratives and work to highlight the contributions, resilience, and diversity of older people across Scotland.

The importance of meaningful engagement with older people should also be emphasised. The Commissioner must not operate in isolation or from a symbolic position but rather be informed by the lived experiences of older adults. This includes establishing mechanisms for regular consultation and co-production, ensuring that older people are central to shaping the Commissioner's priorities and actions.

Members highlight that the intersection between ageing and caring responsibilities needs to be considered. Many carers are themselves older adults, often in their 70s or 80s, and their needs can be overlooked. While members agreed that the Commissioner should not duplicate the work of carers' organisations, there is support for the role to include advocacy for older carers, particularly in relation to isolation, health, and access to support.

Members also express concerns about the financial assumptions in the Bill, particularly the limited allocation for research. Social Work Scotland and our members feel that robust research and evidence-gathering would be essential to the Commissioner's effectiveness, and that the proposed budget may not be sufficient to support this work meaningfully. Additionally, while the Bill states that there will be no

financial impact on local authorities, members questioned whether this assumption fully reflects the potential indirect demands placed on services.

Finally, members stress the importance of clarity and transparency in defining the Commissioner's remit. The Bill should clearly distinguish the role from existing bodies, outline its strategic focus, and ensure that it complements rather than competes with other organisations. This clarity will be essential to building trust and ensuring the Commissioner can operate effectively within Scotland's broader health and social care landscape.

To conclude, while the Bill is welcomed as a progressive step toward enhancing the rights and representation of older people, its success will depend on how well it defines the Commissioner's role, supports meaningful engagement, and promotes a positive vision of ageing in Scotland.

### **Views on the Financial Memorandum**

Social Work Scotland and our members found the financial memorandum to be clear and well-structured. The breakdown of costs, covering recruitment, staffing, accommodation, IT, and awareness-raising, is seen as reasonable and reflective of the scale of the proposed Commissioner's office.

However, there were specific concerns raised about the allocation for research, which was set at £10,000 per annum. This figure was widely regarded by members as insufficient, especially given the Commissioner's expected role in gathering evidence, informing policy, and advocating for systemic change. Members feel that meaningful research, particularly if it involves collaboration with universities or national studies, would require a significantly larger budget to be effective.

There was also concern raised around the proposed investigatory budget, which is set at £60,000. Given the consensus that the Commissioner should not undertake direct investigations into service provision, members questioned the necessity of this allocation. Instead, they suggested that the Commissioner's focus should be on strategic oversight and drawing insights from existing investigations conducted by bodies such as the Care Inspectorate.

The memorandum's assertion that there would be no financial impact on local authorities was noted, and while members accepted this at face value, some expressed cautious scepticism. They highlighted the importance of monitoring any indirect demands or expectations that might emerge once the Commissioner's office is operational.

In conclusion, while the financial memorandum was broadly accepted as sound in its structure and intent, members recommended revisiting the allocations for research and investigations to ensure they align with the clarified remit of the Commissioner. A more robust investment in research and stakeholder engagement would strengthen

the Commissioner's ability to deliver meaningful outcomes for older people across Scotland.

### **Conclusion:**

Social Work Scotland supports the establishment of a Commissioner for Older People in Scotland as a vital step toward strengthening the rights, representation, and wellbeing of older adults. The proposed role offers an opportunity to elevate the voices of older people, challenge age-related stigma, and influence policy and practice at a strategic level.

However, for the Commissioner to be effective, the Bill must provide greater clarity around the remit, avoid duplication with existing bodies, and ensure sufficient resources, particularly for research and engagement. The Commissioner should be independent, informed by lived experience, and focused on systemic change rather than operational oversight.

With these considerations addressed, the role has the potential to reshape how ageing is understood and supported across Scotland, fostering a more inclusive and respectful society for all older people.

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