

Scottish Women's Convention response  
to the Equalities, Human Rights and Civil  
Justice Committee's Consultation on:

# Commissioner for Older People (Scotland) Bill



September 2025

## Premise

The Commissioner for Older People (Scotland) Bill was introduced by Colin Smyth MSP in April 2025. The purpose of this Bill is to “establish a Commissioner for Older People, whose primary purpose will be to promote and safeguard the rights and interests of people aged 60 and over in Scotland”. This Commissioner would be independent from the Government, reviewing law, policy, and practice relating to the rights and interests of older people.

The following consultation asks respondents to consider the Older People's Commissioner; asking whether the role, purpose, and duties outlined are correct. Responses will be assessed, with relevant information utilised to make necessary changes.



## **The Scottish Women's Convention (SWC)**

The SWC is funded to engage with women across Scotland to ensure that their views are represented in policy and decision-making processes. The SWC uses the views of women to respond to a variety of parliamentary, governmental, and organisational consultation papers at Scottish, UK and international levels.

The SWC gathers information using different methods, including roadshows, thematic conferences, surveys, and both in-person and online roundtable events. This submission presents the views of a range of women, reflecting their opinions, ideas and lived experience. Working together with many other equalities organisations and community groups, we use our broad network to ensure that women from a range of backgrounds are heard and acknowledged. We are continually reviewing innovative ways of engaging with women and developing our trauma-informed and culturally sensitive practice to support vital contributions from as many women as possible.

## **Our Response**

### **What impact do you think the creation of a Commissioner for Older People would have on different individuals and groups within Scottish society?**

It can be argued that a Commissioner for Older People would provide older women with a voice in decision-making, ensuring that the rights and interests of older people are promoted and reviewed. Women have a longer life expectancy than men across all areas of Scotland, and it can therefore be argued that an Older People's Commissioner would disproportionately impact women.

Older women have regularly highlighted to the SWC, that they do not feel represented across Scottish governance. They have argued that generally dismissive societal attitudes towards their needs contribute to widespread silencing of their voices. This was evidenced through the removal of a named Minister for Older People. Establishing this Commissioner may therefore alleviate some of these concerns.

- “For older women, we become invisible.”
- “I feel that older people are often forgotten.”

Alternative Scottish Commissioners, such as the Children and Young People's Commissioner, are yet to be comprehensively assessed due to their recent creation. However, assessments of a Commissioner for Older People in Wales have found this role to be impactful; raising awareness of older people's needs within public debate<sup>1</sup>.

It is important to note that older people are not a homogenous group and if they are treated as such by a new Commissioner, impact will be severely limited. Older women face additional barriers to public engagement compared to older men, due to societal prejudice. Effective consideration of the intersection of experience is required to sensitively understand the needs of older women in Scotland.

We would also call into question the impact of the Commissioner for Older People in relation to reserved issues. As stated within the Bill, the Commissioner only has jurisdiction over devolved powers, limiting their scope. One area in particular disproportionately impacts older people – social security. While some social security payments have been assigned to Social Security Scotland, the largest social security benefit, State Pension, remains reserved to the UK Government<sup>2</sup>. With pension issues, such as the on-going WASPI debate, majorly impacting older women in Scotland, we would query how this would be effectively managed by a new Commissioner.

### **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?**

<sup>1</sup> Older People's Commissioner for Wales. (2024). An Overview of the Impact of the Work of the Older People's Commissioner for Wales 2018-2024. Available at: <https://olderpeople.wales/wp-content/uploads/2024/08/Overview-of-Impact-2018-24.pdf>

<sup>2</sup> UK Government. (2025). DWP Benefit Statistics: February 2025. Available at: <https://www.gov.uk/government/statistics/dwp-benefits-statistics-february-2025/dwp-benefits-statistics-february-2025>

The proposed roles and responsibilities should assist to promote the needs and wants of older people in Scotland. Through a focus on best practice and awareness raising, the improved wellbeing of older women can be realised. We would however note that accountability mechanisms must be embedded throughout the development of the Commissioner. Women have regularly highlighted their disappointment towards government bodies, proposing that they often do not deliver tangible change. Elderly individuals are at increased risk of feeling despondent in relation to government action – with their voices often missing from public debate. The Older People's Commissioner's primary role should therefore be to hold government bodies to account on behalf of older people in Scotland.

- “We often have good policy, good structures, but we don't say anything about accountability.”
- “I think Commissioners can be a good thing...it can create accountability.”

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

The proposed age range (over 60) can be questioned. The current State Pension age is 66 with this likely to increase in coming years. The State Pension age is consistently reviewed as population wellbeing evolves – this was deemed necessary to create a valuable measure for economic activity. Embedding flexibility within this gauge has been crucial, effectively considering improved health and wellbeing levels in Scotland. We would argue that as a result, flexibility must also be considered when developing a Commissioner for Older People. There is no current definition of an 'older person' within Scottish policy, and it can be argued that as health levels develop, it may be of value to alter the parameters used based on societal need. We would therefore argue that definitively stating 'over 60s' may create long-term issues.

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

Full independence from the Government is vital to ensure that the Commissioner effectively carries out their duties. Through independent working methods, the Commissioner plays a valuable role in holding the Government and local authorities accountable for decisions and processes. We would however highlight that the Commissioner themselves should be open to scrutiny, with regular reviews carried out by the Scottish Parliament. This review process should consult with local authorities, third sector organisations, and service-users, to understand the impact and value of the role. Embedding accountability throughout the creation of bodies such as this is imperative to their effective working.

### **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?**

The SWC hold some concern surrounding the continued creation of new Commissioners in relation to work duplication. For example, if an older person is the victim of a crime, would their needs be better protected by a Commissioner for Older People or a Victims and Witnesses Commissioner? This may create confusion amongst the general public and service-providers, while also contributing to wasted government resources and lengthy waits due to increased bureaucracy.

Also, current organisations such as the Care Inspectorate, provide a robust level of scrutiny in relation to social care; a service disproportionately used by older people in Scotland. The Older People's Commissioner could assist existing organisations in their work - however, this would require significant collaboration and communication. Women have regularly highlighted the lack of effective cross-sector working across government processes, and we would therefore hold similar reservations surrounding newly created bodies.

- "...lack of communication, this department doesn't talk to this one; they work in silos and they don't talk to each other."

To counter these issues, collaboration should be embedded from the outset of the Commissioner. We would emphasise the need for improved accountability mechanisms, which could be used by the Commissioner. Also, there is a clear need to openly communicate with existing experts – this includes individuals with lived experience, third sector organisations, and statutory providers. Through a combination of these groups, a comprehensive understanding of current gaps and issues facing older women in Scotland can be developed.

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

We propose that increased consideration must be given to remote and rural communities in Scotland during the development of the Commissioner's roles. Rural areas are facing a rapidly ageing population; in very remote mainland areas, over 65s accounted for 25% of the population in 2021, compared to 17% in urban areas<sup>3</sup>. SWC Roadshows have evidenced that this is as a result of reduced public services and employment prospects acting as significant push factors for young people. With a disproportionate number of older people residing in rural locations, we would suggest that a Commissioner must work hard to engage with rural Scotland – carrying out regular, in-person consultation sessions across the country. Alternatively, we would propose that a Commissioner should be based within rural Scotland, enabling a decentralisation of decision-making. This itself causes multiple challenges in relation to recruitment, however, may simultaneously enable improved opportunities for employment.

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<sup>3</sup> Scottish Government. (2023). Rural and Islands Report: 2023. Available at: [https://figshare.com/articles/report/Rural\\_and\\_Islands\\_Report\\_2023\\_-\\_An\\_Insights\\_Report/\\_23807703?file=41928585](https://figshare.com/articles/report/Rural_and_Islands_Report_2023_-_An_Insights_Report/_23807703?file=41928585)

## Conclusion

Having listened to women, our three key recommendations on this topic are:

- The Bill must be amended to include a statutory duty to deliver public education and awareness-raising, including in schools and communities
- Carry out increased assessment of the role of online platforms as facilitators of prostitution.
- Develop specialised guidance for local authorities and third sector organisations which consider the needs of trafficked women.

The SWC is grateful for the opportunity to respond to the Equalities, Human Rights and Civil Justice Committee's Consultation on **Commissioner for Older People (Scotland) Bill**. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to this topic and its effects on women's equality.

For further information or to share your views, please contact:

Email - [info@scottishwomensconvention.org](mailto:info@scottishwomensconvention.org)

Telephone - 0141 339 4797

Website – [www.scottishwomensconvention.org](http://www.scottishwomensconvention.org)

Facebook, X & Instagram - @SWCwomen

