



Karen Adam MSP
Convener
Equalities, Human Rights and Civil
Justice Committee
c/o Clerk to the Committee

Colin Smyth MSP
12 June 2025

Dear Ms Adam

Commissioner for Older People (Scotland) Bill

I understand that the Commissioner for Older People (Scotland) Bill, for which I am member-in-charge, has been referred to your Committee for Stage 1 scrutiny.

The Non-Government Bills Unit (NGBU) has provided support to me in the preparation and drafting of the Bill. As part of that role, NGBU has carried out an Equalities Impact Assessment (EQIA) for the Bill in order to ensure that best practice has been followed and that the Bill's impact has been appropriately identified and considered. I have added my comments to the EQIA.

The EQIA is attached at the Annex for the Committee's information.

Yours sincerely

Colin Smyth

Annex

Equality Impact Assessment

Commissioner for Older People (Scotland) Bill	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	The Bill will establish a Commissioner for Older People for Scotland, whose primary purpose will be to promote and safeguard the rights and interests of older people.
What are the anticipated outcomes of the policy?	<p>The Commissioner will advocate for older people at a national level, using the functions set out in the Bill to promote awareness and understanding of the rights and interests of older people.</p> <p>The Commissioner would seek to ensure that the challenges faced by older people are fully considered in law, policy and practice.</p>
Who will be affected by the policy?	<p>The policy will primarily affect older people as the Commissioner's purpose will be to promote and safeguard the rights and interests of older people over the age of 60.</p> <p>The Bill may also impact upon the family or friends of older people, should the work of the Commissioner lead to changes in the lives of older people.</p> <p>The Bill confers power on the Commissioner to carry out investigations into by what means, and to what extent, a service provider has regard to the rights, interests and views of older people or an older person in making decisions and taking actions that affect the older people (general investigation) or person (individual investigation).</p> <p>The Bill defines a service provider as "any person providing services for an older person other than a person providing services for them because of their existing family relationship, community or neighbourhood links, or friendship with them and who does not principally provide those services for remuneration or as part of their employment."</p> <p>A service provider under investigation may be asked to provide documents or give evidence to the Commissioner</p>

	<p>during the course of the investigation.</p> <p>In addition, the Commissioner may make recommendations following the investigations, which could include recommendations of actions that should be taken by the service provider. The Commissioner is required to report on its findings and recommendations following the conclusion of an investigation. Reports on general investigations must be laid before Parliament, while reports on individual investigations may be laid before Parliament. The Commissioner may also require a service provider to respond to any recommendation made in a report and, for general investigations, the Commissioner may make that response publicly available.</p>
(2) What is known about the diverse needs of those who will be affected by the policy	
Gender* (including transgender, maternity and pregnancy)	<p>Women are more likely to have caring responsibilities, with the 2022-23 carers census finding that 69% of unpaid carers aged over 65 were female.¹</p> <p>In addition, a study by TUC found that:</p> <p>“At every age – from the very start right of their careers through to retirement age – women are more likely than men to be out of the labour market because of unpaid caring commitments, with BME women most likely to be in this position.”²</p> <p>Caring responsibilities can impact the lives of older women in many ways, for example, as noted above, it may mean they have to give up work, that they are struggling financially or suffer from stress or anxiety.</p>
Religion and Belief	No known diverse needs. However, it is possible that any issues faced by older people may be compounded due to their religion and/or belief.
Age*	<p>The purpose of the Bill is to make a positive impact on the lives of older people in Scotland.</p> <p>The cost-of-living crisis has had a negative impact on older</p>

¹ [Information on Unpaid Carers - Carers Census, Scotland, 2022-23 - gov.scot](https://gov.scot/publications/information-on-unpaid-carers-carers-census-scotland-2022-23/) published December 2023, accessed April 2025.

² TUC new briefing, October 2023 [TUC: BME women 12 times more likely than men to be out of the labour market due to caring commitments | TUC](https://tuc.org.uk/news/tuc-bme-women-12-times-more-likely-than-men-to-be-out-of-the-labour-market-due-to-caring-commitments/)

	<p>people in Scotland with Age Scotland stating:</p> <p>“The cost-of-living crisis is forcing many older people to make incredibly difficult financial choices between powering and heating their homes and the food they can afford to buy. Our helpline is hearing from an increasing number of older people who are finding it near impossible to pay their energy bills, having cut down on all but the essentials, and who will now be at risk of falling into unmanageable debt as a result.”³</p> <p>The COVID-19 pandemic also had a particularly detrimental effect on the mental health of older people as a result of isolation and social distancing. This impacted negatively on the physical and mental health of many older people with research by Age UK finding that 36% of older people in the UK (around 5.8 million) feel more anxious since the start of the pandemic and 43% (around 6.9 million) feel less motivated to do the things that they enjoy.⁴</p> <p>Evidence suggests that older people may be less likely, or less able, to access the internet, which can contribute towards loneliness and isolation. A 2023 briefing by Age UK reports⁵ that many older people are not accessing the internet, with around 2.7 million people aged over 65 (around a fifth of people of that aged group) in the UK not accessing the internet.</p> <p>Older people may be more likely to have health concerns than younger people, with researching suggesting, for example, that that older people are more likely to be admitted to hospital and therefore more likely to have a healthcare associated infection. The research further suggested that older people may develop conditions – such as mobility or sight issues - which mean they are classified as disabled.⁶</p>
Disability*	Older people are more likely than younger people to be disabled ⁷ and thus may be more likely to have mobility

³ Information on Age Scotland website: [Cost of living | Age Scotland](#), accessed April 2025.

⁴ Press release from Age UK website: [Research showing just how badly the pandemic was impacting older people | Media | Age UK](#), published July 2021, accessed April 2025.

⁵ Age UK campaign on website: [Offline and Overlooked | Campaigns | Age UK](#), accessed April 2025.

⁶ Older People: policy content, the Scottish Public Health Observatory <https://www.scotpho.org.uk/population-groups/older-people/policy-context/>, accessed April 2025.

⁷ House of Commons Library, *UK disability statistics: prevalence and life experiences*: <https://researchbriefings.files.parliament.uk/documents/CBP-9602/CBP-9602.pdf> published October 2024, accessed April 2025.

	<p>issues, preventing them from carrying out day-to-day tasks or find they face barriers such as a lack of accessible transport or suitable affordable housing.</p> <p>Disabled people are more likely to live in poverty.⁸ For example, research found that 18% of disabled people face food poverty compared to 5% of non-disabled people.⁹</p>
Ethnicity and Race	<p>Older people who are from an ethnic minority are more likely to face issues such as poverty, with research by the Equalities and Human Rights Commission from 2023 stating that “ethnic minority adults remain more likely to be in poverty and have seen no improvement since 2018.”¹⁰</p> <p>As noted above, BME women are most likely to be out of the labour market due to caring responsibilities. This can impact their wellbeing and financial stability.</p> <p>In addition, should someone not have English as a first language, they may face difficulties in accessing information or services for older people.</p>
Sexual Orientation	<p>Older people who are LGBT may be more likely to live alone and lack support of children, other family members or faith groups who may have “rejected them when they first came out.”¹¹ Outside the Box, a charity which provides “development support to groups and people across Scotland who want to make a difference in their communities’ further reports that:</p> <p>“Many [older LGBT people] say that it can be difficult to make new friends – they feel that attitudes amongst other people of their age are often not very welcoming.”</p> <p>The report further states that;</p> <p>“In both rural areas and towns [older LGBT people] may have a long way to travel to find support and</p>

⁸ Information on the Glasgow Disability Alliance website: [Social security and poverty • Glasgow Disability Alliance](#), accessed April 2025.

⁹ Scottish Government publication, *Scotland’s wellbeing: national outcomes for disabled people: 12. Poverty - Scotland’s Wellbeing: national outcomes for disabled people - gov.scot*, published July 2019, accessed April 2025.

¹⁰ Equality and Human Rights Commission [Living standards Fact Sheet - Scotland.docx](#), accessed April 2025.

¹¹ Outside the Box (charity) [WIP-discussion-paper-LGBT-older-people1.pdf](#), accessed April 2025.

	activities that suit them. Transport may be an issue, both in terms of availability and cost.” ¹²
Marriage and Civil Partnership	No known diverse needs.
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Gender* (including transgender, maternity and pregnancy)	<p>Yes, enough information is available to understand the needs and experiences of those affected by the policy.</p> <p>The Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is undertaking.</p> <p>Any issues relating to gender could be raised in such consultations.</p>
Religion and Belief	<p>No diverse needs have been identified for this group and therefore no further information required.</p> <p>However, the Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is undertaking.</p> <p>Any issues relating to religion and belief could be raised in such consultations.</p>
Age*	<p>Yes, enough information is available to understand the needs and experiences of those affected by the policy.</p> <p>The Commissioner’s purpose is to promote and safeguard the rights and interests of older people. It is therefore expected that, in undertaking their role, the Commissioner will be highly knowledgeable of the needs and experiences of older people.</p>

¹² Outside the Box (charity) [WIP-discussion-paper-LGBT-older-people1.pdf](#), accessed April 2025.

	<p>The Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is undertaking.</p> <p>The Commissioner may also undertake or commission research on matters relating to older people. This may help the Commissioner to understand the needs and/or experiences of older people.</p>
Disability*	<p>Yes, enough information is available to understand the needs and experiences of those affected by the policy.</p> <p>The Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is undertaking.</p> <p>Any issues specific to disability could be raised in such consultations.</p>
Ethnicity and Race	<p>Yes, enough information is available to understand the needs and experiences of those affected by the policy.</p> <p>The Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is undertaking.</p> <p>Any issues relating to ethnicity and race could be raised in such consultations.</p>
Sexual Orientation	<p>Yes, enough information is available to understand the needs and experiences of those affected by the policy.</p> <p>The Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is</p>

	<p>undertaking.</p> <p>Any issues relating to sexual orientation could be raised in such consultations.</p>
Marriage and Civil Partnership	<p>No diverse needs have been identified for this group and is therefore no further information required.</p> <p>However, the Bill requires the Commissioner to encourage the involvement of older people in the work of the Commissioner. This includes the requirement that the Commissioner consults older people and organisations which work with and for older people on the work that the Commissioner is undertaking.</p> <p>Any issues relating to marriage and civil partnership could be raised in such consultations.</p>
If not, what other information is required	None.
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
Gender* (including transgender, maternity and pregnancy)	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people. The Bill is therefore expected to have a positive impact on older people, regardless of their gender. In addition, the Commissioner may be able to make a positive difference should older people face specific issues as a result of their age and gender.</p> <p>The information set out in sections 1-3 above demonstrates that there are not expected to be any negative impacts on people of any gender as a result of the Bill.</p>
Religion and Belief	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people. The Bill is therefore expected to have a positive impact on older people, regardless of their religion or beliefs. In addition, the Commissioner may be able to make a positive difference should older people face specific issues as a result of their age and religion/beliefs.</p> <p>The information set out in sections 1-3 above demonstrates that there are not expected to be any negative impacts on people of any religion or belief as a result of the Bill.</p>

Age*	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people.</p> <p>The information set out in sections 1-3 above demonstrates that there are not expected to be any negative impacts on people of any age as a result of the Bill.</p> <p>In addition, the Policy Memorandum which accompanies the Bill contains a statement of compatibility under section 23(1) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 statement on UNCRC. Colin Smyth states that, in his view, the provisions of the Bill have a neutral impact on compatibility with the UNCRC requirements.</p>
Disability*	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people. The Bill is therefore expected to have a positive impact on older people, regardless of whether they are disabled or non-disabled. In addition, the Commissioner may be able to make a positive difference should older people face specific issues as a result of their age and disability.</p> <p>The information set out in sections 1-3 above demonstrates that the policy is expected to impact positively on older people and that there are not expected to be any negative impacts on disabled people a result of the policy.</p>
Ethnicity and Race	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people. The Bill is therefore expected to have a positive impact on older people, regardless of their ethnicity and race. In addition, the Commissioner may be able to make a positive difference should older people face specific issues as a result of their age and ethnicity or race</p> <p>The information set out in sections 1-3 above demonstrates that there are not expected to be any negative impacts on people of any ethnicity or race as a result of the Bill.</p>
Sexual Orientation	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people. The Bill is therefore expected to have a positive impact on older people, regardless of their sexual orientation. In addition, the Commissioner may be able to make a positive difference</p>

	<p>should older people face specific issues as a result of their age and sexual orientation.</p> <p>The information set out in sections 1-3 above demonstrates that there are not expected to be any negative impacts on people of any sexual orientation as a result of the Bill.</p>
Marriage and Civil Partnership	<p>The policy is that the Commissioner will safeguard and promote the rights and interests of all older people. The Bill is therefore expected to have a positive impact on older people, regardless of their marriage or civil partnership status. In addition, the Commissioner may be able to make a positive difference should older people face specific issues as a result of their age and marriage or civil partnership status.</p> <p>The information set out in sections 1-3 above demonstrates that there are not expected to be any negative impacts on people of any marriage or civil partnership status as a result of the Bill.</p>
Completed by the Non-Government Bills Unit:	

*Although not a protected characteristic, carers should be given specific consideration in this category (e.g. the potential impact on those who care for older people).

Member's Comment on NGBU's Equalities Impact Assessment	
Evidence gaps identified	No evidence gaps were identified
Member's comment: I am content with the commentary and information set out in this document	
Adverse impacts identified	No adverse impacts were identified.
Member's comment: I am content with the commentary and information set out in this document	
Completed by: Colin Smyth MSP	