



National Carer Organisations response to: Commissioner for Older People (Scotland) Bill

Scotland's National Carer Organisations are [Carers Trust Scotland](#), [Carers Scotland](#), [the Coalition of Carers in Scotland](#), [MECOPP](#), [Shared Care Scotland](#), and the [Scottish Young Carers Services Alliance](#).

Together we have a shared vision that all Scotland's unpaid carers will feel valued, included and supported as equal partners in the provision of care. We aim to achieve this through the representation of unpaid carers and giving them a voice at a national level. We believe we can deliver more for unpaid carers by working together to share our knowledge and experience, and by focusing our collective efforts on achieving improvements in areas of policy and practice that are of greatest concern to unpaid carers.

We welcome the opportunity to respond to the Commissioner for Older People (Scotland) Bill consultation.

In the past year, Carers Trust Scotland published a piece of [research on unpaid carers aged 65 and above across Scotland](#), examining the key challenges and barriers this demographic of unpaid carers face. The research found that many older adult unpaid carers experience poor physical and/or mental health, feelings of loneliness and social isolation, as well as feel financially impacted due to their caring role.

The views of the response are from all of the National Carer Organisations in Scotland listed above.

[Which of the following best expresses your view of the proposed Bill?](#)

Fully supportive.

[Please explain the reasons for your response.](#)

As cited in the consultation proposal, Scotland has seen a demographic shift in its population. Since 2000, the number of older people aged 65 and above in Scotland has increased by a third whilst the number of children has fallen by 6% (Age Scotland, 2022). With Scotland's ageing population, the future of unpaid care across the country will become increasingly pertinent to older adult unpaid carers. It is therefore critical that we champion this demographic of unpaid carers' rights and highlight the challenges they experience.

We agree that a Commissioner for Older People in Scotland would ensure that the long-term needs of older people, and the challenges and opportunities of our ageing population, would be considered and supported, which would include older adult unpaid carers. It is critical that older adult unpaid carers are better supported and recognised for their invaluable contribution to society.

Carers Trust Scotland's research report [Experiences of Older Adult Unpaid Carers in Scotland](#) (2023) found that unpaid carers aged 65 and above across Scotland experience numerous challenges concerning health, access to support and finances. Key findings from the data:

- 80% of respondents said their physical health had been affected by their caring role. 87% said that their mental health and wellbeing had been impacted.
- 65% said that they experience feelings of loneliness some of the time, and a further 19% said that they often felt lonely.
- 82% felt as though their caring role had financially impacted them
- In terms of the impact of Cost of Living, we asked about changes made in order to save money. In the past 12 months, 37% had used less gas and electricity in their homes, 19% had skipped meals, and 35% had cut back on essentials.

One of the significant findings from the research was feelings of anger, frustration and disappointment experienced by many older unpaid carers who are no longer in receipt of Carer's Allowance, soon to be Carer Support Payment, due to receiving the State Pension. Due to the 'underlying entitlement' rule, thousands of unpaid carers miss out the financial support from this benefit which many see is ageist, unfair and feel as though they are no longer recognised in society for the vital role they do.

The Scottish Commission on Social Security's report *Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023* also highlighted this issue. The report stated that around one third of people who claim Carer's Allowance are affected by the underlying entitlement rule, where they claim the benefit which they are entitled to but do not receive payment. This equates to 42,440 unpaid carers in Scotland, with the majority of whom are over State Pension age.

As well as missing out on financial support from Carer's Allowance, many older unpaid carers highlighted how they were not prepared for the loss of their benefit. In some circumstances, unpaid carers are contacted via letter six weeks prior to a change in social security payment, providing very little time for financial planning. Having an underlying entitlement to Carer's Allowance allows for unpaid carers to get a carer addition in Pension Credit, however this is not well advertised and therefore not well understood by many unpaid carers, meaning many are missing out on claiming other benefits.

Furthermore, recent research published by Carers Scotland from their [annual State of Caring Report 2023](#) also highlighted the financial challenges experienced by older adult unpaid carers. Their research found that one in ten reported struggling to afford the cost of food, and 21% are cutting back on essentials such as heating. 42% of

respondents say they are finding it more difficult to manage financially due to the significant increase cost of living (State of Caring in Scotland, 2023).

As highlighted, older adult unpaid carers in Scotland experience numerous challenges within society. Currently many feel as though they are not recognised and adequately supported for the vital contribution they make to society. The creation of a Commissioner for Older People in Scotland would be welcomed approach in order to ensure this demographic of unpaid carers are fully supported and celebrated.

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

Yes, we believe that this legislation is required in order to formalise and create a legal standing to protect older people's rights and ensure that older people's views are embedded into society and the work of the Commissioner.

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.

Please explain the reasons for your response, including your views on the list of proposed functions set out between pages 29 and 32 of the consultation document, and any additional functions you think the Commissioner should have. Specific need for a Commissioner

We fully support the proposed list of key functions of the Commissioner published in the consultation document, in particular the provision of opportunities for, and the elimination of discrimination against, older people in Scotland. In terms of older unpaid carers, we think it is critical that current policy regarding the 'underlying entitlement' rule for Carer's Allowance must be removed. We believe the role of the Commissioner for Older People would be beneficial in addressing this and taking steps forward to achieve this.

We also fully support the work of the Commissioner being informed by the views of older people. 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.

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.

Please explain the reasons for your response.

The work of the Commissioner for Older People would address inequalities and help give marginalised older people voice, as well as help to deal with challenges of an ageing population in Scotland. The National Carer Organisations support for the remit of the Commissioner to cover all those in Scotland aged 60 and over.

5. Which of the following best expresses your view on whether the proposed Commissioner should hold powers of investigation?

Fully supportive.

Please explain the reasons for your response including how the powers of investigation would work in practice.

We would support the Commissioner to have the powers to investigate how service providers take account the rights, interests and views of older people in the decisions they take and in the work they do relating to devolved matters. There is precedent set under the current powers and function of the Children and Young People Commissioner Scotland to investigation and this should be replicated for the Commissioner for Older People.

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.

Please explain the reasons for your response, including any views on how the Commissioner and existing officeholders can operate to ensure they do not replicate each other's work.

The National Carer Organisations are in agreeance with Age Scotland that we feel this is a key opportunity to ensure resourced and dedicated focus on the rights of older people, in a way that is not currently happening through existing offices.

We also agree with Age Scotland's argument that the scale of challenges and breadth of issues facing older people, including older unpaid carers, now and in the future merits dedicated focus. Many older people across Scotland are struggling and services are already near stretched to capacity which will be unable to cope if current trajectories continue. It is therefore critical that the challenges facing older people which span multiple policy areas and ministerial jurisdictions, are given a single, dedicated advocate.

7. Which of the following best expresses your view on whether the proposed Commissioner should be independent of Government?

Fully supportive.

Please explain the reasons for your response, including any views on what the accountability and governance arrangements should be for the Commissioner

We would support the stance that the Commissioner would be independent of Government and appointed by the Scottish Parliamentary Corporate Body in line with how the Commissioner of Children and Young People is selected. It is important that they are independent of Government so that investigations can be carried out under no bias, provide clear advice, as well as champion and support the rights of older people which may be against current policy.

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?

Modest Impact

Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively

The National Carer Organisations agree with Age Scotland's answer to the financial impact which would affect individuals. 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.

We also agree with their argument that there are currently many inefficiencies in services for older people, including older unpaid carers, which have an impact on costs, resulting in them being higher than necessary.

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 answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

We recognise that any new law can have an impact on different individuals in society. We would argue that the legislation needs to ensure the protection of all individuals in society to avoid any negative impact, and would welcome the inclusion of working with communities and those with protected characteristics in order to achieve this.

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? Please explain the reasons for your answer, 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?

The National Carer Organisations agree with Age Scotland's stance that the introduction of an Older People's Commissioner would help to ensure a strong, healthy and just society for older people both now and in the future.

In the context of an ageing population, the service needs of older people, including older unpaid carers, will only increase. This proposal is about strengthening the rights of older people both now and in the future. Considering age related issues will be critical if we are to successfully plan for the future, and futureproof our services.

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