

## Royal National Institute of Blind People (RNIB) Scotland Response to the proposed Commissioner for Older People (Scotland) Bill

### Introduction

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live full and independent lives, campaigning for their rights.

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

As the consultation document points out, since 2011, the number of people aged 65 and above living in Scotland has increased by 22.5 per cent.

In 2011 – the date of the most recent Scottish Government publication of Scotland-wide figures - 34,492 people were registered as blind or partially sighted.[[1]](#footnote-1) However, estimates now suggest the likely number of people living with sight loss is much higher. For example, the 2023 version of the RNIB Sight Loss Data Tool states that the number of people estimated to be living with sight loss in Scotland is 183,000 and the 2032 projection for sight loss population in Scotland is 214,000.[[2]](#footnote-2)

Age is a significant risk factor related to eye health and sight loss. Age-related macular degeneration is one of the leading causes of sight loss in those aged 65 and above.[[3]](#footnote-3) Whilst there are certain lifestyle factors which put people more at risk of developing eye conditions, incidences of cataracts, glaucoma, diabetic retinopathy also tend to be higher amongst older people.[[4]](#footnote-4)

This response is based on previous RNIB Scotland surveys, public consultation responses, a literature review and other research related to the various questions posed. RNIB Scotland fully supports the creation of a Commissioner for Older People in Scotland.

#### Aim and approach

##### Question 1. Which of the following best expresses your view of the proposed Bill?

Fully supportive.

**Please explain the reasons for your response**

RNIB Scotland fully supports the creation of a Commissioner for Older People in Scotland, with powers to uphold and promote the rights and choices of older people, particularly amongst those living with sight loss.

Scotland has a rapidly ageing population, and it is estimated that by 2040, one in four will be over 65.[[5]](#footnote-5) However, too many older people are spending their later years in poor health and in poverty. As of 2023, 15 per cent of pensioners (almost one in six) in Scotland are living in relative poverty after housing costs.[[6]](#footnote-6)

The situation for older people living with sight loss has also been exacerbated by the cost-of-living crisis, putting more pressure on household budgets than ever before. People with sight loss already face additional expenditure due to living with a visual impairment.[[7]](#footnote-7) Costs such as extra lighting and/or heating in the home or taxi fares to and from places they need to get to (especially when there is no reliable public transport) put pressure on household expenditure. Aids and equipment may offer blind and partially sighted people more independence at home and out and about but can be unaffordable if not provided by statutory services.

During the COVID-19 pandemic people with sight loss faced many barriers. These included:

* Inaccessible letters by post about shielding or vaccination appointments.
* Social distancing measures communicated via visual signs and markers making them invisible and inaccessible for people with visual impairments.
* The removal of social care support followed by long waits for care packages to be reinstated.
* Loneliness and isolation especially for those living alone.

The ongoing effects cannot be underestimated. Two-thirds (66 per cent) of blind and partially sighted respondents to an RNIB Survey reported feeling less independent now compared to before lockdown.[[8]](#footnote-8)

The profound impact of the Covid-19 pandemic brought home the significant shortcomings in protecting and promoting the rights of older people. This strengthens the arguments for establishing a Commissioner for Older People in Scotland.

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

Legislation is required.

This would establish a Commissioner for Older People in Scotland within the devolved statutory framework. It would also provide a commitment of resources to ensure that the Commissioner’s office could carry out its work effectively.

Legislation may also provide the Commissioner a stronger foothold when it comes to certain parliamentary processes, such as in the presentation of evidence at Parliamentary Committees and scrutiny of other bills and legislation which may impact on older people.

Appropriate Memorandums of Understanding could ensure that a Commissioner for Older People has effective powers to act and uphold rights of older people living in Scotland. RNIB Scotland would welcome further dialogue on how we could work with a Commissioner to protect and uphold the rights and interests of blind and partially sighted older people living in Scotland. This should include a commitment to providing information in accessible formats. We have already seen bold action on Social Security reform where there is now a legal requirement to provide accessible information and communicate inclusively.[[9]](#footnote-9)

##### Question 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.

Given the unprecedented challenges we now face, including a cost-of-living crisis and greater demands on public services, as well as an ageing population, an independent body to protect and enshrine rights of all older people is required.

A Commissioner for Older People would ensure equal access and specific focus on the challenges which disproportionally affect older people. This could, for example, include issues of intersectionality, where there may be multiple forms of discrimination and negative stereotypes.

Wales and Northern Ireland already have Commissioners for Older People. This could provide a helpful model for establishing a Scottish Commissioner for Older People.

##### Question 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.

As the consultation document points out, there is no legal or universally accepted definition of an “older person”. However, it seems reasonable to adopt the reference point of aged 60 years or over already in use by the Welsh and Northern Ireland Commissioners for Older People.

Given the diverse range of experiences, roles and interests within this age range, it is essential that the lived experiences of older people, including those with sight loss, are represented in the work of the Commissioner. It will be essential for a Commissioner to engage with third sector organisations representing the needs and interests of vulnerable older people. RNIB Scotland would also welcome dialogue on involving blind and partially sighted older people.

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

Strongly agree.

RNIB Scotland would support the introduction of investigatory powers for the Commissioner for Older People. Without powers of investigation the Commissioner may fail to act with the authority required to address injustices faced by many vulnerable older people in Scotland.

Powers of investigation would also help the Commissioner for Older People realise its position as an effective voice for older people in Scotland. This would entail clear decision-making processes so that there is a basis for rationalising whether investigations are carried out on behalf of individual or collective groups of older people.

There would also be added value in ensuring the Commissioner’s office operates in a fully transparent manner, with clear routes of communication and accessible information embedded throughout its communications.

For blind and partially sighted people the additional hurdles of not being able to access information in their preferred format can further undermine their ability to uphold their rights. Ergo, it is vital to build this into the work of the Commissioner for Older People.

##### Question 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.**

In Wales and Northern Ireland, where Commissioners for Older People have been established, there are close and productive working relationships with relevant bodies, which has helped to protect against duplication of effort.

For example, bodies that a Commissioner in Scotland would be required to work alongside include the Equalities and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC). This could model the working relationship which the EHRC already has with the SHRC.

In addition, the successful functioning of the Children and Young People’s Commissioner alongside the EHRC demonstrates the ability for other officeholders with a remit focused on the protected characteristic of age to complement, rather than clash with, the work of the EHRC in Scotland.

Memorandums of Understanding between the Commissioner for Older People and other public bodies may be useful. Effective working relationships can also be established through joint strategic planning and open communication.

It is therefore vital the Commissioner adheres to the principles of consultation, participation, and accessibility and that their work is informed by the views of older people with input from the organisations who work with them in Scotland.

RNIB Scotland would welcome further dialogue on how to enhance participation of older people with sight loss.

##### Question 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.**

Independence from the government is crucial for the Commissioner to be able to assert its remit in the roles laid out in the consultation document.

The key purpose of a Commissioner would be to ensure the rights and interests of older people are being observed and that any policies or government legislation takes account of their views and lived experience.

A Commissioner for Older People should be able to act as an independent body, with the powers to scrutinise, and where necessary, intervene, on behalf of older people in Scotland in devolved legislative reform and policy development.

We fully support the principles as presented in the consultation document and believe these to be vital to achieve independence, including:

1. Clarity of Remit: a clear understanding of then office-holder’s specific remit.
2. Distinction between functions: A clear distinction between different functions, roles and responsibilities including audit, inspection, regulation, complaint handling and advocacy.
3. Complementarity.
4. Simplicity and Accessibility: Simplicity and access for the public to maximise the ‘single gateway’/’one-stop-shop’ approach.
5. Shared services: Shared services and organisational efficiencies should be built in from the outset.
6. Accountability: There should be an establishment of clear, simple, robust, and transparent lines of accountability appropriate to the nature of the office. Including the ability to submit evidence and provide transparent scrutiny to parliamentary committees when required.

#### Financial implications

##### Question 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?

There will be some increase in costs.

**Please explain the reasons for your answer, 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.**

It would be expected that any new Commissioner would create costs associated with it, including salaries, of its staff and running costs.

Examination of the models of delivery used by Older People’s Commissioners in Wales and in Northern Ireland may help identify what methods can achieve value for money.

The cost implications for the creation of a Commissioner for Older People are envisaged to be like those for the Commissioner for Children and Young People.

Financial savings could be made if the Commissioner was to co-locate with an existing body, such as the Commissioner for Children and Young People.

Therefore, the SPCB (Scottish Parliamentary Corporate Body) could ensure that the Commissioner co-locates its premises with another Commissioner or agency. This could reduce costs for both parties on both office running costs and staff expenditure.

#### Equalities

##### Question 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?

**Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.**

RNIB Scotland fully supports the creation of the Commissioner for Older People in Scotland, already established in Wales and Northern Ireland.

It would also be in line with international developments. Older people’s organisations around the world have been campaigning for a convention on the rights of older people. Thinking in this area is quite advanced and a draft convention supported by the Committee on Economic, Social and Cultural Rights (CESCR) and CEDAW is already in place. It is likely to be the next human rights treaty agreed by the United Nations.

Given the unprecedented rise in numbers of older people living in Scotland, and the expected increase demand on public services, including within health, social care and social security, it would be timely to establish a national champion to focus attention on the needs of people as they age, including those affected by sight loss.

We would also welcome further discussions on models of engagement which a Commissioner for Older People could use to ensure a truly representative picture, as well as use existing mechanisms, to avoid duplication. As a sight loss charity, we naturally wish to realise the best possible outcomes for blind and partially sighted older people living in Scotland.

#### Sustainability

##### Question 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?

There is a need to consider the longer term needs of older people at a national level. The Commissioner for Older People in its role as an independent champion for older people would ensure that policy and practice across government considers this at every level.

As demographic shifts signal more older people living in society it becomes clear that collaboration and joined up thinking is required to deliver solutions that meet the needs now and in the future. Health, social care and social security systems are critical, and a commissioner could facilitate the long-term planning required to ensure people age well.

It is also critical that the voices of older people who face barriers in everyday life are included. This includes older people with visual impairments.

#### General

##### Question 11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

Due to the impact of the pandemic, there are ongoing delays to treatment, which is leaving older blind and partially sighted people feeling a lack of control of their health needs. The national sight loss pathway must become a reality regardless of where blind and partially sighted people live in Scotland to prevent a “postcode lottery” situation where access to services and support, depends on where you live.

The voice of lived experience is essential, including older people who live with sight loss and/or a sensory impairment. Without acknowledging these personal stories, services will become detached from the reality of how health and social care impacts on people’s daily lives. By including individual accounts information can be used to implement change and provide innovative responses.

The COVID-19 pandemic only highlighted frustrations within social care when services were paused. People with sight loss were either not consulted or received no feedback about when the service would be resumed and were left feeling disengaged and disempowered. A lot of learning can come from these situations, as conveyed by one of our respondents:

“We have to stop social care being de-prioritised due to issues like the pandemic. People were as disabled as they were, even during the pandemic - so it’s criminal that social care support was stopped - this was awful. Listening to people on RNIB calls… people’s mental health was affected. Even during lockdown, people could have (been supported to have) gone out for a walk, and not stopped. I don’t think the pausing of services should ever happen again.”

We should also not ignore the fact that just like everybody else, the population with disabilities is ageing. This means that over time provision will need to take account of multiple impairments and offer personalised solutions based on individual need.

1. A National Statistics Publication for Scotland: Registered Blind and Partially Sighted Persons, Scotland 2010, Scottish Government, 2010 at https://www.gov.scot/publications/registered-blind-partially-sighted-persons-scotland-2010/ [↑](#footnote-ref-1)
2. See [RNIB Sight Loss Data Tool - statistics on sight loss | RNIB | RNIB](https://www.rnib.org.uk/professionals/health-social-care-education-professionals/knowledge-and-research-hub/sight-loss-data-tool/) [↑](#footnote-ref-2)
3. <https://www.gov.scot/publications/review-low-vision-service-provision-scotland/pages/4/> [↑](#footnote-ref-3)
4. https://www.scotphn.net/wp-content/uploads/2017/04/2018\_07\_02-Ophthalmology-HCNA-Vol1-Final.pdf [↑](#footnote-ref-4)
5. National Records of Scotland, ‘Projected Population of Scotland’: [Projected Population of Scotland (2018-based) | National Records of Scotland (nrscotland.gov.uk)](https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-projections/population-projections-scotland/2018-based) [↑](#footnote-ref-5)
6. Rise in pensioner poverty rates: Action needed to tackle scourge of one in six pensioners living below the poverty line, [https://www.ageuk.org.uk](https://www.ageuk.org.uk/scotland/latest-news/2023/march/rise-in-pensioner-poverty-rates-action-needed-to-tackle-scourge-of-one-in-six-pensioners-living-below-the-poverty-line/%20-%20:~:text=Persistent%20Poverty%20in%20Scotland%202010,persistent%20poverty%20after%20housing%20costs.) [↑](#footnote-ref-6)
7. https://media.rnib.org.uk/documents/Cost\_of\_living\_-\_Final\_-\_1\_Aug\_22.pdf [↑](#footnote-ref-7)
8. https://www.rnib.org.uk/documents/212/RNIB\_Briefing\_-\_Impact\_of\_social\_distancing\_on\_blind\_and\_partially\_sighted\_pe\_Vq2bYCz.docx [↑](#footnote-ref-8)
9. Social Security (Scotland) Act 2018 Section 5. Recognition of importance of accessible information. Available at: [https://www.legislation.gov.uk/asp/2018/9/section/5/enacted](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fasp%2F2018%2F9%2Fsection%2F5%2Fenacted&data=05%7C01%7CKirstie.Henderson%40rnib.org.uk%7C8ab43c599db846f6276308dbb4397baa%7C5d45337cd19243fcaa5805557c9171bc%7C0%7C0%7C638301931196139412%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=L1x14SHvc2wxe7o09scwnwJLim%2BG1%2Bc69u8NfUENANs%3D&reserved=0) [↑](#footnote-ref-9)