

Just Equal Treatment



**Government plans on age
discrimination:
a short guide**

**'Older people are
always at the
bottom of the pile.'**

**'There's no
dignity in the way
we're treated in
hospitals and
care homes.'**

Introduction

During the summer of 2007, we have a once-in-a-lifetime opportunity to make sure that the government takes action against the unfair treatment of older people. The Government is asking you how older people are treated at present and what can be done to change discriminatory practices that impact on your lives.

This guide has been written by Help the Aged to help you make sense of new and important proposals from government. We hope you will use the form that comes with this guide to give the Government your own opinions and experiences. These can be experiences which you have faced, or which have been faced by members of your family or close friends.

UK law is not strong on age equality. At present there is no protection against age discrimination

in the area of goods, facilities and services. Furthermore, a public sector equality duty is already in place for race, gender and disability, but does not extend to age.

Over the last two years, the Government has been reviewing all discrimination law in the UK which covers discrimination on grounds of race, gender, disability, religion or belief, sexual orientation and age. It wants to address the inconsistencies in the laws and bring all the pieces of legislation together into one law to make it simpler and fairer.

In June, the Government published its findings in a document entitled *A Framework for Fairness: proposals for a Single Equality Bill for Great Britain* and it is now holding a public consultation on its proposals. This consultation period ends on 4 September 2007. It provides the public with a unique window of opportunity over the summer to influence the new legislation.

The public consultation will pave the way for a Single Equality Bill, which the Government will make law before the next General Election. It is vital that older people, and anyone with an interest in the issue, use this time to ensure that what's important to them is considered. This is a historic opportunity to influence government policy. Now is the time to make your voice heard.



What do we mean by age discrimination?

Everyone deserves to be treated equally and with respect, whoever they are. But many people are not being treated equally, and this often includes older people.

Age discrimination means that older people get treated as second-class citizens. We see it across all aspects of life, from the provision of basic goods and services to the way older people are portrayed in public life. Even in areas where the Government has taken a stand against age discrimination, such as in employment and the health service, there is evidence that it still continues. Here are just a few examples:

Healthcare

Older patients make up the majority of the 23 per cent of patients who require hospital admission, but who spend over four hours in A&E.¹

Older people who are suffering from treatable illnesses, which would benefit from intervention, often have their illnesses put down to old age.²

Some specialist mental health services are only available to those aged under 65. This is despite the fact that 40 per cent of GP attendees, 50 per cent of general hospital patients and 60 per cent of care home residents are older people with mental health problems.³

Social care

Social care services for older people typically focus on health and safety issues, rather than promoting independence, participation and social inclusion.⁴

For older people, care services are often commissioned in short blocks of time (15 minutes or so) to cover basic needs. For younger people, blocks of time are often longer to allow them to participate in social activities and take part in community life.⁵

Older people do not enjoy the same level and quality of services as those in the younger age group. For example, care homes for older people are more likely to be over-crowded. This has serious implications for choice and the quality of service provided.⁶

Insurance

Older people report increased car insurance premiums, based on age rather than driving record. Some insurance companies refuse to insure people aged 75 and over.⁷

Older people are also quoted increased travel insurance premiums based on age. These often become unaffordable beyond a certain age. Some older people are declined any cover at all.⁸

Financial services

Older people report experiences of being turned down for mortgages, loans and consumer credit. Again, this is because of their age.⁹

There is a growing list of people who demand an end to age discrimination in this country. They say that it denies older people the opportunity to live full and active lives. Instead, they ask that older people are recognised as equally valued and equally supported members of society.

¹National Audit Office, *Improving Emergency Care in England* (2004)

²British Geriatrics Society, *The Human Rights of Older People in Healthcare Call for Evidence*, submission to the UK Parliament, Joint Committee on Human Rights (February 2007)

³Statistics taken from Department of Health, *Securing Better Mental Health for Older Adults*, London; Department of Health (2005).

⁴Help the Aged, *Everyday Age Discrimination: what older people say* (2004).

⁵Age Concern, *Age of Equality? Outlawing age discrimination beyond the workplace* (May 2007)

⁶Commission for Social Care Inspection, *The State of Social Care in England 2004-05*, London: Commission for Social Care Inspection (2005)

⁷Help the Aged and Age Concern, *Insurance and Age: exploring behaviour, attitudes and discrimination* (2007), research undertaken by CM Insight and Andrew Smith Research.

⁸Help the Aged and Age Concern, *ibid*.

⁹Age Concern, *op. cit*.

1. Making age discrimination illegal

The new plans from Government include the proposal that age discrimination is made illegal in the provision of goods, facilities and services.

Such legislation would prohibit discriminatory practices on grounds of age in the provision of – and access to – goods (e.g. shoes, showers), facilities (e.g. insurance, loans, credit facilities and entertainment) and services (e.g. health and social care, leisure activities).

The proposals acknowledge that despite non-legislative government initiatives, such as the National Service Framework for Older People, there is clear evidence of unjustified age discrimination in the provision of goods, facilities and services. These include:

- perceived unfair differences in the mental health services available to those below state pension age, compared with older adults.
- lower rates paid by local authorities for older people's residential social care, compared to residential care for younger adults.
- restricted access to financial services products (e.g. travel insurance and personal loans) which do not reflect the actual risks posed by older people.

The proposals acknowledge that legislation could 'send out a strong signal that discriminating unnecessarily on grounds of age is unacceptable and thereby help to change cultural attitudes to ageing, as well as providing a means of redress for individuals who experience harmful age discrimination'.

The Government also accepts that different treatment on grounds of age may sometimes be necessary: for example, to promote social integration, compensate for disadvantage, or enable services to be delivered more effectively.

'Why aren't women invited for breast screening after 65?'



Examples include free TV licences for people over 75 years, concessionary travel, other concessions (such as discounted leisure facilities during off-peak periods) for both older and younger people, targeted health programmes for those with the greatest clinical need, and services targeted at particular age groups. The Government has made clear that it has no intention of removing these conditions and benefits for older people.

'My doctor simply diagnosed me as old.'

What does Help the Aged think?

Help the Aged believes that legislation is necessary for the following reasons:

- While current age discrimination legislation protects older people in the workplace, it does nothing to prevent them being discriminated against in their everyday lives. Indeed, without legislation, the progress already made is undermined.
- Trying to solve the problem through guidance, such as the Government's National Service Framework for Older People, has had only limited effect. Age discrimination and ageist attitudes across both health and social care services persist.¹⁰
- Individually and collectively, the impact of discriminatory practices on older people is profound.¹¹ Without protection in this area, the message is clear – older people are second-class citizens whose needs are less important than those of others.
- Until the inconsistencies in current equality laws are addressed, we still have a world in which 'some are more equal than others'. This will hinder the work of the unified Commission for Equality and Human Rights.¹²

While some progress has been made, ageist practices and age-based discrimination are entrenched in our culture. Hence, legislation is vital.

What can you do?

Tell the Government what you think, drawing on your experiences and those close to you.

The questions we would like you to answer at this point are:

Question 1: *What instances of age discrimination outside the workplace, against people of any age, are you aware of?*

Question 2: *Is legislation the most appropriate way of tackling harmful age discrimination?*

Please turn to the form to provide your answer.

'Travel insurance can cost as much as the trip itself. That's when you're lucky enough to get it.'



¹⁰Healthcare Commission, the Commission for Social Care and Inspection and the Audit Commission, *Living Well in Later Life: a review of the progress against the National Service Framework for Older People* (March 2006)

¹¹Help the Aged, *Everyday Age Discrimination: what older people say* (2004)

¹²F Butler, *Rights for Real: older people, human rights and the CEHR*, Age Concern (May 2006)



2. Introducing a duty on public bodies

The new plans from Government also include the suggestion that a single public sector equality duty is introduced. This is a positive duty on all public bodies to have due regard for the need to eliminate unlawful discrimination and promote

equality of opportunity. It is also a duty to promote good relations between groups, such as people of different ages, gay, lesbian and bisexual people, and people of different religions and beliefs.

The existing public sector equality duties cover race, gender and disability, but not age. The

Government proposes to bring them together into a single duty and extend it to cover all equality areas, including age.

Below are some examples of how discrimination could be addressed through such a duty:

‘The freedom pass is only valid after 9am, which assumes older people are not working, looking after grandchildren, etc.’

Transport

The design of vehicles, hard to read timetables and inaudible public address systems all create barriers for older people. This can lead to social isolation and depression. An equality duty for age could require public transport services and town planners to take into account the needs of older people in the design and provision of services.

Healthcare

Important services, such as podiatry and foot care services, are given low priority by primary care trusts. This results in older people losing mobility and becoming socially isolated.¹³ An equality duty for age could help to ensure that resources are more equally shared between services predominantly used by older people and those used by other age groups.

¹³Healthcare Commission, the Commission for Social Care and Inspection and the Audit Commission, op. cit. See also Help the Aged, *Best Foot Forward* (2005), produced with the University of Plymouth and University College Northampton.

Social inclusion

The shortage of benches, seats and public toilets in public areas particularly disadvantage older groups. An equality duty for age would ensure that older people's needs are taken into account in the design and planning of public facilities, promoting their participation in society.

What does Help the Aged think?

There are a number of reasons why we think that this duty will be beneficial for older people, including:

- Older people are too often invisible in public policy. A positive equality duty for age will ensure that practices, plans and policies take account of older people's views, needs and priorities.

- The Government has taken some steps to prohibit discrimination against older people in health and social care, via the National Service Framework for Older People and Fair Access to Care Services. However, age discrimination and ageist attitudes across both services persist.¹⁴ Without any mechanism for ensuring compliance and no penalties for non-compliance, the success of these voluntary policies has been limited. In the financial and mental health sectors, there has been very little action to eradicate even the most obvious discriminatory practices.

- As major users of public services, a positive equality duty for age will be extremely beneficial to older people. It will provide a flexible, sustainable framework for assessing the reasoning behind age-related practices. It will be able to review seemingly neutral policies for their impact on different age groups, helping to root out directly and indirectly discriminatory practices without the need for litigation.

- Where positive duties to consider age equality exist, this has led to increased dialogue with older people, a focus on those issues which affect them, and growing evidence of improved services and policies.¹⁵ In Northern Ireland, the positive equality duty for age has raised the profile of age issues and positively influenced the culture of public authorities.¹⁶

- A duty for age would help to secure full citizenship for older and younger people by

facilitating and promoting their active involvement in decisions which affect them. In a recent survey, 95 per cent of older people had not been asked their views on the NHS or council services in the last year, and 80 per cent did not think that they influenced the planning of services.¹⁷

A single public sector equality duty will be a vital step on the road to equality for older people.

What can you do?

Tell the Government what you think, drawing on your experiences and those close to you.

The questions we would like you to answer now are:

Question 3: Do you think that a single public sector equality duty should be extended to cover age?

Question 4: If yes, please state your reasons. Include examples of the types of disadvantage you believe are experienced by people because of their age, which could be addressed effectively through such a duty.

Please turn to the form to provide your answers.

'I suffer from diabetes. When I reached pension age, I was immediately given inferior drugs.'

¹⁴Healthcare Commission, the Commission for Social Care and Inspection and the Audit Commission, op. cit.

¹⁵C O'Cinniedie, *Taking Equal Opportunities Seriously: the extension of positive duties to promote equality*, for the Equality and Diversity Forum (2004)

¹⁶Age Concern, op. cit. Report refers to section 75 of the Northern Ireland Act 1998

¹⁷Healthcare Commission, the Commission for Social Care Inspection and the Audit Commission, op. cit.; I Philp, *A New Ambition for Old Age: next steps in implementing the National Service Framework for Older People*, Department of Health (2006)

Thank you

Thank you for taking the time to read this guide. We hope you will now complete the form which comes with it. This will be your response to the Government consultation and will be sent on by Help the Aged.

If you have any queries or would like to pass copies of the guide or form to friends, family or your local group, please contact us on 020 7239 1955 or email campaigns@helptheaged.org.uk. We are keen to hear from as many people as possible.

You can find the full government consultation paper *A Framework for Fairness: proposals for a Single Equality Bill for Great Britain* at www.communities.gov.uk/index.asp?id=1511211

Photography: Jenny Matthews

The photographs in this guide are of older people taking part in the Help the Aged mass lobby at Westminster in April 2007. On this day, older people from across the UK came together to call for 'Just Equal Treatment' and to lobby their MPs on the issue. Some of their experiences of age discrimination are captured in the quotes which also appear throughout this guide.



Fighting for disadvantaged older people in the UK and overseas, WE WILL:

COMBAT POVERTY wherever older people's lives are blighted by lack of money, and cut the number of preventable deaths from hunger, cold and disease

REDUCE ISOLATION so that older people no longer feel confined to their own home, forgotten or cut off from society

CHALLENGE NEGLECT to ensure that older people do not suffer inadequate health and social care, or the threat of abuse

DEFEAT AGEISM to ensure that older people are not ignored or denied the dignity and equality that are theirs by right

PREVENT FUTURE DEPRIVATION by improving prospects for employment, health and well-being so that dependence in later life is reduced

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