

# Ageism and Age Equality (Great Britain)

February 2020

Everyone should live with dignity and respect. Older people are equal members of society and should not be subjected to ageist attitudes, stereotyping or conduct.



“We’re all ageing. Yet ageism is the most commonly experienced form of prejudice and discrimination, both in the UK and across Europe.”

*Shirley Cramer CBE Chief Executive, Royal Society for Public Health, That Age Old Question, 2018.*

## Ageism

Negative attitudes towards older people and ageing are pervasive in our society. In common with most other forms of discrimination, ageism is based on inaccurate stereotypes. A 2018 report by the Royal Society for Public Health found that ageist attitudes exist across generations, affecting our health and wellbeing. For example, research has shown that those with more negative attitudes to ageing live on average 7.5 years less than those with more positive attitudes to ageing.<sup>iv</sup> These ageist attitudes are all too often reflected and amplified by the media. Older people have a tendency to ‘disappear’ from advertising, newspapers and television screens – and this is a trend that particularly affects older women. In his inquiry into the Culture, Ethics and Practice of the Press, Lord Justice Leveson raised concerns that, at least in certain sections of the industry, representation of particular groups is discriminatory and ill-judged. This includes representation of older people

## Key statistics

**36%**

of over 55-64s felt they had been disadvantaged at work because of their age.<sup>i</sup>

**Only 7%**

of homes have the four essential features that would make them accessible to a person with mobility problems<sup>ii</sup>

**70-75 year olds**

face a disproportionate drop in areas such as surgery; chemotherapy; and talking therapies.<sup>iii</sup>

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which was also highlighted in Ofcom's 2019 report *Diversity and equal opportunities in television Monitoring report on the UK broadcasting industry*.

In this context it is concerning that the Editors' Code of Practice does not currently include a requirement to avoid prejudicial or pejorative references to a person's age. Broadcasters must act to rid their output of prejudicial or pejorative references to older people and to present a more positive image of later life in their programme making and broadcasting.

### Age discrimination<sup>v</sup>

The effect of ageism is that older people frequently experience discriminatory treatment. As a result society is failing to benefit fully from the valuable resources that older people offer – as potential employees, volunteers, elected representatives and in many other roles. Age UK is clear that the discrimination against people on the grounds of their age, disability, race, religion or belief, sex, sexual orientation, gender or disability is wrong. A priority for our future work will be to ensure that older people are protected against discrimination.

The Equality Act 2010 provides a set of legislative tools for tackling age discrimination both within the realm of employment and in the provision of goods and services. However, in many areas, unjustified age discrimination is still rife, in spite of it being illegal under the Equality Act 2010. Polling by YouGov commissioned by Age UK in 2017 found that 36% of 55-64s felt they had been disadvantaged at work because of their age. Research also demonstrates that older people have poorer access to treatments for common health conditions. Treatment rates drop disproportionately for people over 70-75 years in areas such as surgery<sup>vi</sup>; chemotherapy<sup>vii</sup>; and talking therapies<sup>viii</sup>.

Individual and systemic barriers to bringing a claim under the Act such as a lack of public understanding, legal aid cuts and (prior to their abolition) Employment Tribunal fees, as well as poor implementation of best practice arising from funding cuts in some sectors means that enforcement action under the Act has not resulted in the wide scale change that was originally anticipated.



“We’ve seen examples of untested or stereotypical assumptions being made, rather than reasonable commercial decisions or risk assessments connected to offering products to particular age groups.”  
*Just a number? Age, complaints and the ombudsman, Financial Services Ombudsman, 2015*

It remains a major concern that a broad exception for financial services in the Equality Act 2010 may restrict older people's access to essential products including loans, mortgages, and insurance, making it harder for older people to shop around for the best products.<sup>ix</sup> The Financial Services Ombudsman has reported a number of cases in which older people have experienced difficulties moving home, paying off their mortgages, and taking out extra lending because of restrictions accessing these financial services.<sup>x</sup> A signposting system exists for travel and motor insurance, but nothing similar for lending.

## Public sector equality duty

To achieve a more equal society it is not enough simply to prohibit discrimination. Implementation of best practice, enables employers, public authorities and service providers to act preventatively and to adopt equality frameworks and ensure that the right systems are in place that support obligations arising from the Equality Act. The public sector equality duty (PSED)<sup>xi</sup> therefore requires all public bodies to take positive steps to advance equality of opportunity, eliminate unlawful discrimination and foster good relations between different groups in society. However, there is evidence to suggest that the PSED has been poorly implemented and largely disregarded by public authorities. A future review of the PSED should consider how public bodies should comply with the duty, but it is essential that any future review does not in any way weaken the duty or its effectiveness.

## Multiple discrimination

Age discrimination compounds other forms of discrimination with a significant number of older people experiencing multiple disadvantage and deprivation as a result. Section 14 of the Equality Act 2010 contains a 'dual discrimination' provision to cover direct discrimination on up to two combined grounds. However the section was never enacted. Recognising the high levels of multiple discrimination faced by some groups of older people, particularly women, and older BAME persons, section 14 should be brought in to force.

## Local authorities and digital inclusion

We know that many low income older people do not claim the benefits to which they are entitled and which might make life a little easier. For someone who does not use the internet and may have never used a computer or tablet, any suggestion that they should or must claim online is likely to be a significant additional barrier.

Local councils, like other public bodies, have a range of responsibilities under the Public Sector Equality Duty to eliminate discrimination and promote equality within their decision making and policies. However, the results of this research suggest that many councils were not considering these responsibilities under the Equality Act by ensuring that they had fully assessed the impact of these policies on people with disabilities and older people  
*Age UK, Everything is online these days, 2018*

## Brexit

On 23 June 2016 the United Kingdom voted to leave the European Union. Our age discrimination laws stem from EU treaty provisions and directives, but these have been incorporated into domestic legislation, notably through the Equality Act, so no further domestic legislation would be needed in the absence of EU legislation. However, there would be nothing to prevent these laws being repealed – something we would not wish to see. In addition, the EU Withdrawal Act specifically omitted the EU Charter of Fundamental Rights, so Article 21 which provides a freestanding right to non-discrimination will no longer form part of domestic law. Additionally, the UK will no longer be required to comply with judgements of the Court of Justice of the European Union (CJEU).

## Public Policy Proposals

- Research has firmly established that a powerful way to overcome prejudice is to foster close, honest and personal relationships with others who are seen as belonging to a different group. Therefore public, private and third sector service providers should support initiatives that promote greater intergenerational contact to combat ageism.
- The media industry must be challenged to replace the stereotyping of older people as passive and dependent with positive messages that reflect the diversity of the older population and recognise the contribution they make both in economic and social terms including as workers, volunteers and carers. The newspaper Editors' Committee should amend their Code of Practice to add a requirement to avoid prejudicial or pejorative references to a person's age.
- Recognising the high levels of multiple discrimination faced by some groups of older people, particularly women and BAME older people, in the media, in the workplace and in public life, section 14 of the Equality Act should be brought in to force.
- Government and the Equality and Human Rights Commission must take steps to raise awareness of the ban on harmful age discrimination in services and support service providers to implement it by providing on-going guidance and support.
- The Government must reconsider the financial services exemption from the ban on harmful age discrimination.
- Government must retain the Public Sector Equality Duty contained within the Equality Act 2010 and encourage public bodies to use the duty to meet the challenges and opportunities of our ageing society.
- After the United Kingdom exits the European Union, we urge the government to retain existing UK equalities legislation.

## Want to find out more?

Age UK has agreed policy positions on a wide range of issues, covering money matters, health and wellbeing, care and support, housing and communities. There are also some crosscutting themes, such as age equality and human rights, age-friendly government and information and advice

### Further information

You can read our policy positions here;

[www.ageuk.org.uk/our-impact/policyresearch/policypositions/](http://www.ageuk.org.uk/our-impact/policyresearch/policypositions/)

Individuals can contact us for information or advice at

[www.ageuk.org.uk/informationadvice/](http://www.ageuk.org.uk/informationadvice/) or call us on 0800 169 8787

### Further information

Ageism and age equality is a cross cutting issue that affects many policy areas. Therefore this policy position should be read in conjunction with those addressing employment, health and social care services and financial services, which contain specific proposals to address age discrimination in these sectors.

<sup>i</sup> Polling by YouGov commissioned by Age UK in 2017.

<sup>ii</sup> Department for Communities and Local Government, *English Housing Survey Adaptations and Accessibility Report*, 2014-15.

<sup>iii</sup> Age UK/Royal College of Surgeons, [Access all ages - Assessing the impact of age on access to surgical treatment](#), 2012; NHS England, [Are older people receiving cancer drugs? An analysis of patterns in cancer drug delivery according to the age of patient](#), 2013; Age UK, [Hidden in plain sight - the unmet mental health needs of older people](#), 2016.

<sup>iv</sup> Royal Society of Public Health, *That Age Old Question*, London, 2018, p.15.

<sup>v</sup> Apart from some limited exceptions, the 2010 Equality Act applies only in Great Britain. There are differences in the secondary legislation, which is devolved.

<sup>vi</sup> Age UK/Royal College of Surgeons, [Access all ages - Assessing the impact of age on access to surgical treatment](#), 2012

<sup>vii</sup> NHS England, [Are older people receiving cancer drugs? An analysis of patterns in cancer drug delivery according to the age of patient](#), 2013.

<sup>viii</sup> Age UK, [Hidden in plain sight - the unmet mental health needs of older people](#), 2016

<sup>ix</sup> Financial Conduct Authority, [Access to Financial Services in the UK](#), 2016

<sup>x</sup> *Just a number? age, complaints and the ombudsman*, Financial Services Ombudsman, November 2015

<sup>xi</sup> S. 149 Equality Act 2010