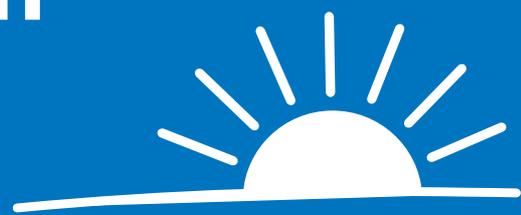


# Age Discrimination in Public Policy

A Review of Evidence



Help the Aged

## Executive Summary

What utter folly to throw away such a priceless asset as old lumber of no value. What is needed is a complete turnabout in attitudes to the old. Instead of the patronage of services designed to help the aged to tolerate the intolerable, the assumptions on which social policy is based must be boldly confronted.

**Margaret Simey**

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## Introduction

Age discrimination is the practical manifestation of ageism, which is a form of prejudice like racism or sexism. Age discrimination can be a barrier to older people seeking fair access to employment, goods and services, and an equal part in society. The aim of this report is to establish a baseline against which to assess the extent and impact of age discrimination in British public policy. It aims to alert the public to where and how age discrimination manifests itself and to ask what effect this has on our society.

Help the Aged invited researchers with expertise in seven areas of public policy to examine their field and to consider how policy discriminates directly and indirectly on the grounds of age. We asked them to reflect on the impact on older people and to consider to what extent such policies were unfair.

This report uncovers strong evidence of discrimination against older people. It outlines clear instances of direct discrimination at the heart of our national institutions and it begins to explore the profound and extensive impact of indirect discrimination on older people themselves and, indeed, on society as a whole. It concludes that there needs to be a recognition and a reaffirmation of

older people as citizens with all the rights and responsibilities that that implies. The contribution of older people to civil society will only be fully realised if older people are fully included.

### Direct age discrimination

The research reveals some very clear examples of direct age discrimination, where age is used to determine what treatment someone is offered or how much they will pay for a service.

The use of chronological age, overtly or implicitly, as a bar to services or a basis for rationing resources, is relatively straightforward to identify and is probably the most overt and arbitrary form of age discrimination. It betrays deep-rooted ageism more obviously than other forms, since it implies that older people simply do not deserve to be treated on an equal basis with others.

Some serious efforts are, however, being made to combat direct discrimination and there are some indications that it is becoming less acceptable and less of a norm.

### Indirect age discrimination

Indirect discrimination, where older people are disproportionately affected and disadvantaged by a particular policy or practice is, on the evidence of this research, widespread – even endemic. It appears to have two underlying sources: the stereotyping of older people and their marginalisation in the policy-making process. Despite the fact that older people are a very diverse population, age is commonly used as a proxy, as if it were synonymous with poverty, illness, lack of capacity or other limiting factors.

The consequences of indirect age discrimination can be every bit as damaging and far-reaching as direct discrimination and are more difficult to identify, assess and challenge. If older

people's needs are not considered when making policy for the whole population, this results in their exclusion. We cannot tackle the social exclusion of older people without challenging age discrimination.

### Ageism

Ageism is more difficult to pin down than discrimination but is nonetheless pervasive. It is found in negative, derogatory or abusive behaviour by individuals and institutions. It can also seep into the way older people think about themselves and sap confidence and self-esteem.

**It is Help the Aged's contention that ageism and age discrimination deprive the UK of the skills, talents and contribution of a major and growing section of the population. They institutionalise second-class status, adversely affect the lives of millions of people and help to create a divided and unequal society.**

But all is not gloom by any means. There is evidence across all the fields of public policy explored here of growing awareness and increasing efforts to combat age discrimination. Legislation on employment is promised for 2006. The Government has made clear its determination to root out age discrimination in health and social care. It has announced its intention to unlock the talent and potential of older citizens. The authors have identified some limited progress in combating both stereotyping and marginalisation, notably as a result of the direct involvement of older people in policy-making, and as a result of the growing strength of the older people's movement itself at national and local levels.

### Recommendations

- There needs to be unequivocal acknowledgement that age

discrimination, whether direct or indirect, is as damaging to individuals and to society as any other form of discrimination. The Government needs to continue to make clear statements to this effect, and to ensure that its own house is in order by re-examining policy across the board to identify and root out both direct and indirect age discrimination.

- Such major change needs the backing of the law. Legislation on age discrimination in employment needs to be extended to cover goods, services and facilities as well. The Government should go further and create a general duty on public bodies to promote equality. Legislation needs to be supported by a Commission designed to ensure its enforcement and promote equality for older people as for other groups which suffer discrimination.
- Older citizens must be taken into account as a matter of course in the development of all policy areas. If mainstream provision were inclusive in the first place, there would be less need for 'special measures' and we would be on the way to creating a more inclusive society.
- There is a lamentable lack of data about older people, their circumstances and experience. We need to know more about the interaction of age with other characteristics such as gender and ethnicity. Without adequate data, it is difficult to identify clearly where discrimination is occurring or to monitor the effect of policies designed to combat it.
- Specific efforts need to be made to address public attitudes and images of ageing. Ageism is evident in professional practice, in the media and in a wide variety of fields; so widespread is it that it often goes unquestioned. These attitudes need to be challenged

wherever they are found, both by individuals and by institutions.

- Raising the expectations of older people and their sense of their own worth and value, both intrinsically and to others, should be a major objective. Age discrimination is not simply a matter of barriers put up by others; many older people themselves develop reduced expectations with regard to their rights and abilities. Older people's own initiatives should be supported, and opportunities for older people to exercise real decision-making power need to be extended. Local authorities, health trusts, Learning and Skills Councils, transport planners and others should involve older people and value what they bring to society and their own communities.

Eradicating age discrimination would go a long way towards creating a more equal and inclusive society from which we would all benefit. This report demonstrates just how far we have to go. Rooting out age discrimination needs to become a widely shared objective and implemented in a purposeful and comprehensive way across the full spectrum of British public policy.

## 1. Age discrimination in education

There is a perception that education is wasted on older people. These prejudices exist in educational policy, practice and thinking. However the new approach introduced in 1998, with the Government's paper *The Learning Age*, opens the door to new opportunities. Learning and Skills Councils need to engage with older people and address their learning needs.

## Why do older people wish to engage in education and training?

Older people seek education and training in the context of both their personal lives and their life in the community in work or elsewhere. Activities may be considered that:

- provide skills to take on new roles
- satisfy social need
- allow opportunities for reflection and understanding of their life's achievements
- satisfy curiosity of the new.

Older people also have much to offer to the learning experience of others and to their own communities.

## Evidence of discrimination

Some local education authorities have made continuing efforts to meet the learning needs of older adults within their communities. Independent educational organisations, such as the Workers' Educational Association, the University of the Third Age and many local initiatives, have catered for older people extensively and often very effectively. These initiatives have much experience to offer to local education authorities, but they are the exception rather than the rule.

In further education, older people are under-represented, with students over the age of 65 forming just 3.5% of enrolments. The continued absence of older people makes it difficult to overcome prejudices and discrimination.

Again, with a few notable exceptions such as the Senior Students Initiative at the University of Strathclyde, older people are being denied a fair opportunity to benefit from full-time higher education. Eligibility for student loans is restricted to those under the age of 55 and those aged 50–54 wishing to access loans have to state their intention

to seek employment in writing – which is not expected of younger age-groups. All universities should examine the resource potential of older people in their areas.

## Discussion

Older people are not present in adult education in the numbers that they should be. There has been a slow improvement but there is still a long way to go. There need to be policies, practices, resources and attitudes that accept the potential and ability of older people, as well as their rights, in the same way as for younger people.

Age discrimination in education can be eradicated

- by recognising the current inequalities
- by taking positive action to overcome them
- by a more mature student body challenging discriminatory attitudes and perceptions.

Changes in education providers' and society's attitudes will help to increase the presence of older people in adult education and make it more likely that provision becomes more sensitive to the needs, abilities and aspirations of older people.

## 2. Age discrimination in employment

Age discrimination in employment means using a person's age as a criterion for decisions about recruitment, promotion, training, redundancy and other aspects of working life when age has no bearing on the skills, capabilities, experience and performance of an individual.

The evidence for age discrimination  
Survey data on the experience of age discrimination show that:

- nine out of ten older people believe that employers discriminate against them and one in four has personal experience of discrimination
- one in four people thinks employers are not interested in employing people over 40
- 50% of a sample of 500 companies had workforces with fewer than 10% aged over 50; 10% of companies had no employees over 50. Nonetheless, two-thirds of these companies claimed to have 'age-friendly' policies.

There is little information about those over state pension age who are still working.

### The impact of age discrimination

- The cost of age discrimination to the economy is calculated at £31 billion in lost production, and £5 billion cost to the Government for benefits to those who might be working.
- Being without work has a dramatic impact on physical and mental health. Older non-working people are more likely to die of respiratory diseases, visit the doctor more often and suffer from depressive disorders.
- The impact of age discrimination on company and public sector pensions has only recently become clear. With the proportion of those in work falling, it is now clear that age discrimination in employment has created an untenable situation for retirement income.
- The real value of state pensions falls steadily and the ratio of taxpayers to benefit recipients resulting from age barriers in work is not sustainable.

### Public policy: the present situation

There is increasing recognition by employers, Government and public agencies, the European Union and the media that age discrimination in

employment needs to be tackled. Recognition of the issues has not yet been matched by equivalent action. The key current policies are:

- a voluntary code on age diversity
- Government agreement to an EU Directive on Equal Treatment in Employment, with a commitment to introduce legislation on age diversity by December 2006
- New Deal 50plus and Welfare to Work, which for the first time put in place a programme specifically targeted at the needs of older job-seekers.

### Public policy: next steps

- Legislation should be introduced which is reasonable for employers but also provides meaningful support and protection for those who want to go on learning and working.
- Mandatory retirement ages should be outlawed.
- Job market mechanisms should be improved so that employers can find the skills they need and individuals can find the jobs.
- Expectations about the benefits of early retirement need to be altered in the light of changing pressures on the economy.

### Discussion

Age discrimination in employment is a complex interaction of employer and individual stereotypes and pre-conceptions. Overt discrimination may be infrequent and relatively easy to tackle. Far more widespread is wishful thinking by employers that they are doing everything in their power to establish an age-diverse workforce and by individuals that they are doing everything in their power to meet the employers' needs. The statistics show we are far away from this ideal.

If we can reduce age discrimination in employment there is a prize worth billions of pounds for the economy, employers, individuals, their families and communities.

### 3. Age discrimination in health care

Older people are, on average, in good general health although the prevalence of illness and disability tends to rise steeply over the age of 80. However, though older people comprise around 16% of the total UK population, as a group they consume over 40% of health-care resources.

In a relatively short space of time, age discrimination in the health services has become a national issue. Several well-publicised debates, such as 'Do Not Resuscitate' orders imposed on some older people without their consent, have raised awareness of discrimination.

#### Explicit age discrimination

Age cut-offs are the most obvious way in which older people are denied access to health services.

- The upper age limit for routine breast screening has attracted particular criticism.
- A survey of GPs indicated that upper age limits exist for a range of hospital services and operations.
- Another study showed that only 4% of older patients who died following surgery had been admitted to a High Dependency Unit, even though admission is considered to be good practice.
- Explicit upper age bars to coronary care units and cardiac rehabilitation units are widespread in the UK.

- Community health services are rationed, sometimes on the basis of age.
- Older people have in the past been excluded from clinical trials.

#### Subtler forms of age discrimination

Explicit age limits are comparatively easy to identify but age discrimination can be much more insidious.

- Residents of nursing and residential homes seem to be at risk of exclusion from primary care services and have even been charged for access to normal medical services from their GP.
- Depression and other forms of physical or mental illness may be misdiagnosed in older people as symptoms of dementia. Dementia itself may go unrecognised.
- Patterns of cancer diagnosis, treatment and survival differ between younger and older age groups.
- Patients over 60 may have to wait longer in Accident and Emergency departments and are less likely to receive appropriate treatment.
- There is evidence of negative attitudes towards older people and dangerous inadequacies in acute hospital care. In some instances, hospitals were failing to meet even basic standards of nutrition or personal hygiene for older patients, causing great distress and affecting patients' health and recovery.
- Hospital discharge arrangements have disadvantaged older people, with inadequate arrangements for rehabilitation and long-term support.

#### Indirect discrimination

Indirect discrimination is a difficult concept to measure objectively.

- The low priority accorded to certain services and conditions, especially

chronic health conditions such as arthritis, has a particular impact on the older population.

- Evidence shows that older people experience difficulties in accessing treatments for arthritis, skin diseases and Alzheimer's disease.
- Private health insurance provides little in the way of an alternative to the NHS for older people.

### Discussion

Although older people are the biggest consumers of health care, UK health services too often provide inequitable care to older people. Age discrimination in health services is unethical, should be unthinkable in a caring society and has caused public disquiet in recent years.

The issue of age discrimination has been acknowledged in central health policy. With the publication of the National Service Framework for Older People, all NHS organisations in England must review and justify any age-related policies on clinical grounds. 'The explicit exclusion of older people from effective treatments is inconsistent with a so-called needs-led NHS.' This is a positive step forward.

However, rationing of health services, whether explicit or implicit, presents dangers to older people. Changing ageist attitudes and behaviours at all levels of the health service will be a major challenge for an NHS relatively unused to involving older people in decisions about their care and the configuration of health services.

## 4. Age discrimination in social care

'Social care' refers to the services organised through local authorities (but often provided by private, voluntary and

not-for-profit organisations) which focus on supporting people in their own homes as well as in residential and nursing homes.

There are areas of overt and explicit discrimination against older people in the provision of social care, effectively demonstrating that their independence and social inclusion are given a lower priority than those of younger service users.

Other areas of discrimination may not be directed against older people specifically, but have a disproportionately heavy impact on them because they are more likely than younger people to use services. For example, older people have been financially penalised for needing care and support.

### Charging for care

Local authorities are required to charge people for the social services they use. Users of social care services are disproportionately likely to be elderly, so the consequences of charging impact especially heavily on older people. Councils operate a range of approaches to charging, and the resulting 'postcode lottery' means that there is neither consistency nor fairness between different localities. People with similar needs and circumstances face widely varying responses and charging policies.

The Royal Commission on Long Term Care proposed that the costs of personal care should be exempted from means-testing altogether; however, the Government agreed to provide free **nursing** care only. As a result of the decision by the Scottish Parliament to provide free **personal** care as well, there are now different policies for free and charged care within different parts of Britain, which raises a new set of questions about discrimination and equity.

### Discriminatory cost-ceilings

Cost-ceilings (upper limits on expenditure amounts) for older people are significantly lower than for younger users of social care. For example, the average gross weekly expenditure in England on residential or nursing care is £342 for an older person, but £669 for a younger adult with a learning disability, £423 for a younger adult with mental illness or £512 for a younger adult with a physical disability.

Local authorities have a financial incentive to encourage older people to opt for institutional care rather than remaining in their own homes, which most older people would prefer. The widespread adoption of cost-ceilings equivalent to the cost of residential placement has limited the development of more innovative models of support and is the most explicit example of direct age discrimination. Unknown numbers of older people fail to regain skills and mobility, have to settle for a quality of life that should be unacceptable, and find themselves ending their days in care homes – a situation which should not be necessary if adequate and appropriate support is available at home.

### Limited visions of choice and independence

Concepts of independence and social care are often interpreted differently and more restrictively for older people than for other adult client groups. Social care services for older people are typically more concerned with issues of safety than with enabling participation or inclusion.

‘Low-level’ support can be particularly important in maintaining independence. Failure to provide this not only discriminates against older people, but increases the risks they face in the home.

### Direct payments and older people

Direct payments are a relatively recent innovation which allow people to organise their social care for themselves. This option was originally available only to people under 65, but it has now been made available to older people as well. However, progress in extending direct payments to older people is slow. If they are not to be left out of this development, adequate support, advocacy and advice for those who wish to take it up are paramount.

### Discussion

Discriminatory practices that arise because of pervasive ageist assumptions and stereotypes are evident in older people’s daily lives, in terms of the goals that are believed to be appropriate for them, the lower importance that is attached to the meaning of independence, and the lack of support for genuinely inclusive policy objectives. Innovative approaches to involving older people in setting standards for services, informing commissioning approaches, and monitoring service quality, show what can be achieved when older people are not marginalised by service processes.

## 5. Age discrimination in social security

Social security benefits form over half of all pensioners’ incomes. Older people are more likely to be long-term claimants than other age groups.

Direct discrimination occurs when the rules governing payment of benefits depend on age.

- The fixed age for the Retirement Pension can be seen as discriminatory as it assumes people are unfit for work once ‘retirement age’ is reached.

- The allocation of disability benefits is discriminatory. People who become disabled over the age of 65 do not receive the mobility component attached to disability benefits – this rationale is based purely on grounds of cost. The qualifying period for older claimants for disability benefits is also longer than for younger people.
- Incapacity benefits are higher for younger people, so people on those benefits may experience a drop in income once they reach retirement age.
- While the Government is intending to remove the age bar which excludes carers over pensionable age from receiving Invalid Care Allowance, this benefit will not be payable if the carer receives a Retirement Pension.

Indirect discrimination occurs when conditions or procedures have a disproportionate effect on older people.

- Older people are less likely than younger people to take up benefits for which they are eligible. There is low take-up for Income Support, Housing Benefit, Council Tax Benefit and the Minimum Income Guarantee. Only around half of older people eligible for disability benefits claim them.
- Older people applying to the Social Fund for grants for essential items are more likely than younger people to be turned down because they have savings or are not considered a high priority. Only 10% of Social Fund Community Care Grants go to older people.
- Including the Retirement Pension in the ‘overlapping benefits’ rule (which generally prohibits someone receiving two benefits for the same contingency) adversely affects older people. It particularly affects those who were on higher income maintenance benefits before retirement age, older carers, and older people in hospital for more than six weeks.

## Discussion

A key issue is whether the Retirement Pension should be considered a ‘benefit’ or an entitlement. Treating the Retirement Pension as a ‘benefit’ adversely affects older people’s access to other benefits available to younger people. There is a strong case for excluding the Retirement Pension from the overlapping benefits rule.

The application processes for weekly benefits and for one-off payments need to be sensitive to older people’s needs. The impact of savings rules should be reviewed in the light of older people’s financial circumstances.

Blanket exclusions of older people from the more generous disability or carers’ benefits available to people of working age are based on discriminatory assumptions about older people’s needs and circumstances.

## 6. Age discrimination in transport

Transport facilities need to be appropriately designed and delivered so that older people can readily access the people and places necessary to maintain a good quality of life.

### Age-associated disability and public transport

Older people who are disabled or less mobile encounter a range of difficulties using public transport including: poor design of vehicles and shelters; hard-to-read timetables and signs; poor-quality public address systems; buses that accelerate away from the stop before passengers are seated, and patronising or unhelpful attitudes of staff.

A number of policies and practices are being adopted which go some way to

improve accessibility, including listening to the views of older bus users, setting up voluntary and community transport schemes and taxi concession schemes. The Disability Discrimination Act has brought improvements from which disabled older people will benefit, for example, it requires public service vehicles to be accessible to disabled people.

### Concessionary fares on public transport

The Government has introduced national minimum standards to ensure older people are not excluded from using public transport because of poverty. Local authorities and passenger transport authorities offer concessionary fares for older and disabled people on bus and rail services. However, while there is a national minimum standard, local authorities can offer more generous subsidies, leading to wide geographical variation in concessionary fare schemes. This results in discrimination between those eligible for the most favourable – particularly London-wide free fares – and those who only have access to the statutory minimum within a confined geographical area. The non-availability of concessionary fares for older people during the morning peak hours may also be seen as discriminatory.

### The older motorist

The personal motor car is, in many ways, the ideal vehicle for older people, sustaining quality of life by providing autonomous door-to-door transport on demand at modest operating cost. At present, older women benefit less than men from the car since they are less likely to be able to drive (only 20% of women over 70 have a driving licence as opposed to 60% of men).

### Discussion

There is a real risk of indirect age discrimination arising from the failure of planners to consider the needs of older people. Older people's groups give high priority to transport issues.

Planners, transport operators and health providers should listen to older people's views and work closely with them to ensure that older people can easily get access to the services (particularly health services) they need. Older people living in rural areas are a particular concern, especially when they have no access to a car.

Those responsible for the provision of transport and other services should consider the whole journey as experienced by older people, recognise the barriers to mobility that older people themselves identify, and respond to their concerns. Failure to do so is likely to result in inadvertent age discrimination.

## 7. Age discrimination and citizenship

Issues facing an ageing society, including policy matters relating specifically to older people, have moved from the margins of the political agenda and public consciousness. Growing expectations of a 'culture of citizenship' could improve the environment for addressing the rights and duties of older citizens.

Older people often feel that they might as well be invisible. In April 2001, the state treated them as if they were. The 2001 Census form assumed that no one aged 75 or over worked for money or voluntarily, and that their educational achievements were of no interest or value. Even though the Census is an essential tool for transport planning, it

did not ask about the means of travel used by older people.

Many older people experience multiple exclusion, for example, women who are poor, belong to an ethnic or cultural minority, and whose mother-tongue is not English.

### Formal citizenship

Older people are more conscientious about voting than younger adults. Figures for the 2001 General Election suggest that 80% of people aged 65 and over voted in England and Wales and that around 13% more older people voted than did younger people.

The jury system is flawed at present by the deliberate exclusion of people over 70. The same age bar limits the judiciary and the magistrature. It is time for these various services to the law, salaried or unpaid, to be reviewed as a whole.

### Community citizenship

A Volunteer UK survey found that one in five organisations using volunteers imposes a retirement age. However, a number of instances of good practice exist to encourage the involvement of older people as citizens.

- The Scarman Trust encourages people of all ages, many of whom are older people, to become 'Can-Doers', or social entrepreneurs, backing them with grants and professional support.
- The Citizens' Action Millennium Awards scheme offers older citizens grants and professional support to initiate local projects.
- The Experience Corps is a new Government-funded organisation which encourages community volunteering by people over 50.

### Representing older people's interests

Older people's interests are championed by a wide range of pressure groups and campaigning bodies.

- Staffed voluntary organisations such as Age Concern or Help the Aged.
- Senior citizens' own organisations, such as the National Pensioners' Convention.
- Locally based older people's forums, which co-ordinate and represent the views of older people.

### What older people can do as citizens

There are signs of a new role for older people and a distinct shift in attitude away from images of dependency and towards the positive contribution that they can make to society as a whole.

- Better Government for Older People aims to involve older people, at local level and nationally, in the formation and monitoring of policies affecting them.
- There are a number of initiatives in which older people undertake research relevant to social policies, relating to old age or the wider community.

### The role of the media

Negative and old-fashioned images in the media reinforce prejudices of older people as a burden and a class apart. The media need to catch up, examining the positive shifts in attitude and priority taking place in Britain and internationally, and featuring those changes in the stories they tell about senior citizens.

## Discussion

There is a clear evidence of progress in several directions.

- The Government and other authorities, by including older citizens through a range of initiatives, are increasingly committed to the advancement of older people.
- Voluntary organisations are increasingly working together to promote progress on issues affecting older people and concerning them as citizens.
- The readiness of older people themselves to organise for collective action is thriving.

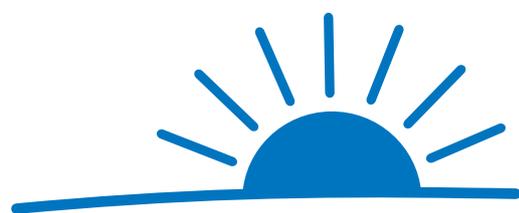
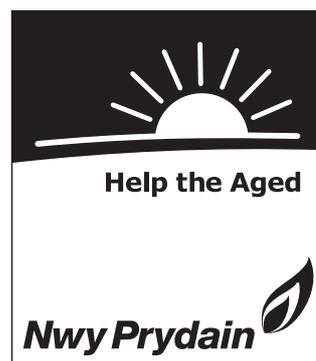
These efforts need to be securely underpinned by a reform to the law on age equality and the establishment of the necessary machinery to make it effective.

## Contributors

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A copy of the full report, *Age Discrimination in Public Policy: A Review of Evidence* is available price £18.50 including postage and packing from Help the Aged, Communications Department, 207–221 Pentonville Road, London, N1 9UZ

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# Help the Aged

Working for a future where older people are highly valued, have lives that are richer, and voices that are heard.