



advice and support for older age

**Independent  
Age**

**Independent Age's response to:  
Addressing age discrimination through the Equalities and Human  
Rights Commission's Strategic Plan 2019-22**

**January 2019**



## **Independent Age's response to *Addressing age discrimination through the Equalities and Human Rights Commission's Strategic Plan 2019-22***

### **Support for EHRC's draft strategic plan**

We welcome the opportunity to provide our views on the Equality and Human Rights Commission's draft strategic plan for 2019-2022.

We support the overall direction of this work, and agree that concentrating on a smaller number of issues over the longer-term will increase the impact of efforts to improve and promote equality and human rights protections in the UK. ***However, we feel older people are a priority group that have been overlooked.***

The range of legal activities and mechanisms set out in the consultation document provide a strong set of tools and we are heartened to see that 'making sure prejudice is more understood' is part of your plan. This goal closely reflects one of our own priorities, evidenced by our recent [Ageism+ series](#) on multiple discrimination, where we report on real-life stories which showcase diversity, call out prejudice and suggest ways of eliminating discrimination.

### **Older people as a priority group**

Independent Age's focus is on supporting vulnerable older people and helping them to maintain their independence. In a society where the proportion of people aged 65 and over is growing (to nearly a quarter of the population by 2030), but their share in society (despite prevailing stereotypes of baby boomers) is not ensuring their rights are upheld, understood and maintained across society as a whole is crucial to ensure they can live with dignity and respect.

Recent analysis of the evidence-base by Independent Age paints a concerning picture of how fair Britain is for older people:

#### **Living in poverty**

- Currently one in six older people are living in poverty, rising to one in five for people who live alone.
- Every year, up to £4.5 billion of benefits are not paid to older people who are entitled to them.
- In the last 10 years the cost of living has risen by 50% for people in retirement, a higher rate for working age adults. Older people pay a "loyalty premium" for off-line payments and sticking with the same provider.
- 1 in 3 older private renters live below the poverty line after paying rent and a quarter of older people live in home that don't meet the "living home standard".<sup>1</sup>

*"She's ok, but you never know when she's going to bite. And of course, this isn't mine, so I've just got to take what comes... When you can't work anymore, you've got to tighten your*

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<sup>1</sup> The Standard is set by Shelter and is a list of 39 attributes, split between essentials that all homes must meet and tradables which take account of differing needs and priorities between households

belt" ([Joe](#), 72, Independent Age service-user, on dealing with rent rises from his private landlord)

## Health and wellbeing

- 1.4 million older people are living with an unmet need. Furthermore, recent [research by Coram](#) reports that the majority of older people live in areas that do not have enough social care to meet demand.
- Social care is in crisis. 1 in 4 care homes is rated by CQC as inadequate. Every day 900 people leave the workforce and in the last 5 years 428 care home providers have gone bust. A third of people who receive social care say that don't have control over their own lives.
- Older people are more likely to be unpaid carers. 1.3 million older people are carers. This number is increasing faster than the general carer population.
- Older people do not get fair access to healthcare from the NHS. If you are aged 65 and over you are less likely to be referred for mental health support and smoking cessation services or given life-saving cancer treatment, than younger adults.

*"As a result of this pervasive discrimination, older people themselves have low expectations around their own mental health...The need for better mental health services for older people is there and it is growing, but the policies are not there to meet these challenges."* ([Dr Amanda Thompsell](#), Chair of the Faculty of Old Age Psychiatry, Royal College of Psychiatrist)

## Society's attitudes and behaviour towards older people

- The contribution of older people to society is not recognised. Older people are more likely than any other age group to volunteer and they provide £6.8bn worth of free childcare every year for looking after grandchildren. Increasingly older people are working past state pension age and therefore paying income tax
- 4 in 10 people aged over 50 say they have experienced age discrimination. Older job applicants are four times less likely to be invited to interview.
- 1 in 4 18-34 year olds agree that "older people can never really be thought of as attractive".

*"People ask me why I still do this. They expect guys to keep on working. No one questions why Trump is still working in his 70s. It's taken as a given. It's the same with politicians and news reporters. But they don't expect that for women."* ([Cathy](#), Independent Age case-study)

These issues are mirrored in your consultation document which states that *"there is a prevalence of issues related to older and disabled people (transport, technology, housing, work, social security and treatment in institutions) due to our ageing population"*. In the context of a rapidly ageing population and the lack of Government action to address the social care crisis or lift older people out of poverty, it is crucial that the rights of vulnerable older people provide a strong focus in the Commission's 2019-22 strategy. Action is urgently needed to ensure that older people are treated fairly and that Government and organisations deliver services in-line with their legal duties.

## Exploring the use of the law

We are interested in developing a programme of work regarding the use of the law to challenge discrimination. Recently we commissioned a discussion paper and held a workshop with other older people's organisations, foundations, academics, public law practitioners and QCs which identified a number of core strategic areas: age discrimination in the NHS and healthcare; social care in the home and residential settings; elder abuse; carers; barriers to access to legal advice; and social exclusion and intersectional issues. Relevant laws, case studies Acts and reports which highlight where change is needed have been identified. These include *The Human Rights of Older People in Healthcare report* (2007), The Council of Europe's *Human Rights of Older Persons and their Comprehensive Care* (2017), rights under the *Mental Capacity Act* (2005, although due to be updated) and legal decisions which have influenced the principles and of processes set out in the *National framework for NHS continuing healthcare and NHS-funded nursing care* (updated 2018).