



**Older People's Commissioner for Wales**  
**Comisiynydd Pobl Hŷn Cymru**

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# **Taking Action Against Ageism**

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**Information and advice for Older People**



**January 2016**

# The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

## How to contact the Commissioner:

The Older People's Commissioner for Wales  
Cambrian Buildings  
Mount Stuart Square  
Cardiff  
CF10 5FL

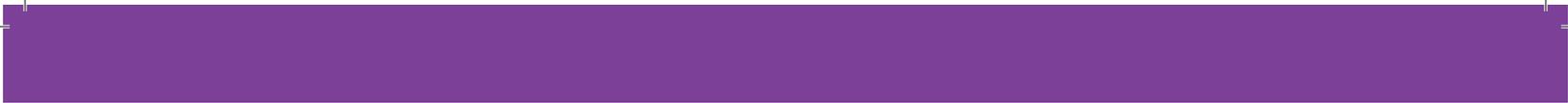
Phone: 08442 640 670

Email: [ask@olderpeoplewales.com](mailto:ask@olderpeoplewales.com)  
Website: [www.olderpeoplewales.com](http://www.olderpeoplewales.com)

Twitter: [@talkolderpeople](https://twitter.com/talkolderpeople)

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## What is Ageism?

Ageism is treating people differently based upon their age or perceived age. It is a serious issue which can devastate lives. Ageism is also known as age discrimination and it is prohibited under the Equality Act 2010. This means that if you experience it, there is legal protection and you can do something about it.

This leaflet gives details about four areas where age discrimination is most often experienced by older people and offers guidance on how you can take action against it.

## Age Discrimination in the Media

The media has a lot of power in influencing how we think about age. It is therefore important that the way older people are represented is fair and accurate. This includes using images and language that reflect the diverse range of experiences, interests and aspirations of older people.

When listening to or reading media reports (including print, television, radio, internet and social media), the following questions may be useful in determining whether ageism is present:

- Does reporting a person's age add anything to the story?
- Does this image or story reinforce or challenge negative stereotypes?
- Does this publication or channel regularly report negative stories of older people or ageing?
- Has this publication or channel reported positive stories about older people or ageing?
- Where there are positive stories, are they patronising in nature?

If you feel ageism is present, you can:

- Contact the editor (newspapers or magazines), broadcaster (radio or TV) or person sharing the story (social media) to highlight the ageism and request more balanced coverage that more accurately reflects the contribution and value that older people bring to society.
- If this doesn't produce a satisfactory response, then contact the relevant regulatory body to escalate the complaint (OFCOM for most media coverage or the Advertising Standards Authority for advertisements).

Addressing the ageism that you come across can make a very positive impact on the negative stereotypes that older people experience.

# Age Discrimination at Work

Meaningful work can help people stay active, feel valued and improves health and well-being. Older jobseekers however, are more than twice as likely to be long-term unemployed compared with younger jobseekers and more than 1 in 3 people in Wales aged between 50 and State Pension age – over 214,000 people – are jobless. Ageism and discrimination within the workplace, founded on debunked myths about a lack of productivity, poorer health and an unwillingness to adapt to change, is a barrier to older people remaining in or reentering the labour market.

When applying for jobs or whilst in work, the following questions may be helpful in determining whether ageism is present:

- Do job advertisements give you the impression that the employer might not be interested in you as an older person (e.g. the employer asking for qualifications such as GCSE's or recruitment being targeted at graduate fairs)?
- In the workplace, are opportunities for promotion and training open to people of all ages on an equal and fair basis? In the workplace, are work appraisals unclouded by preconceptions about age and based on actual performance?
- If redundancy situations arise, are they carried out without assumptions about age (e.g. free from assumptions that older people will soon retire)?

It is important to note that in employment, there may be an 'objective justification' for treating someone differently based upon age. If you feel you are experiencing age discrimination in looking for work or in the workplace, you can:

- Talk with the employer to seek an informal and agreeable solution
- Make a formal complaint to the employer using their complaints procedure
- Take a claim to an employment tribunal (there will be a fee for this)
- At any of the stages above, get free advice & support from a specialist agency who can give you advice based upon your individual experiences & circumstances (e.g. from ACAS or CAB)

## Age Discrimination in Health & Care Services

When we are ill, we want to receive the best treatment available. However, sometimes problems are dismissed as 'old age', overlooked and not investigated or treated fully.

Anyone who works for the NHS or in the private healthcare sector (including professional medical staff such as consultants, doctors and nurses, care home workers, receptionists, managers, security staff, cleaners, ambulance drivers) has a duty not to discriminate against older people.

When using health or care services, the following questions may be helpful in determining whether ageism or discrimination is present:

- Are you being refused a service because of your age (it is important to note there are some treatments for which the evidence base suggests they are not effective beyond a certain age)?
- Are you receiving a service of worse quality or on worse terms than would normally be offered because of your age?
- Is the provider behaving in a way related to your age which causes you distress, offends or intimidates you?
- Is the provider punishing you because you complain about discrimination or helping someone else complain because of an issue related to age?

If you experience age discrimination in health or care services, then you can:

- make a complaint to the ward, hospital or care home
- if you are not satisfied with the outcome of your complaint, you can take it further by making a complaint to the relevant health board (for health services), local authority (for care services) and if this doesn't produce a satisfactory response, then to a regulatory body:
  - your local Community Health Council
  - Care and Social Services Inspectorate Wales
  - Care Council for Wales
  - Healthcare Inspectorate Wales
  - Public Services Ombudsman for Wales

At any of the stages above, get free advice & support from a specialist who can give you advice based upon your individual experiences & circumstances (e.g. from the Equality Advisory & Support Service or CAB)

## Age Discrimination in Consumer Services

The Equality Act 2010 covers providers of goods and services, as well as services such as health and social care. This includes, for example, shops, hotels, and insurers. It means that, in most instances, you can't be treated unfairly because of older age. There are however, a number of specific exemptions relating to some consumer and financial services. Examples include:

- age-related holidays offered for people over 50
- social or leisure clubs which cater for people of specific ages only
- insurers being able to take age into account when calculating a premium and a bank being able to refuse a financial product to a customer based on their age – however, they must make sure that they base the decision on reliable and relevant information, as opposed to just making a general assumption based on age.

If you feel that you have been treated badly as a customer on the basis of your age, you can:

- Make a complaint using the company's complaints procedure, stating that you believe you have been discriminated against on the grounds of age
- Report a local business to trading standards
- Depending on who you are complaining about, you could take your complaint further to a regulatory body:
  - The Advertising Standards Authority (ASA) about non-broadcast advertisements, sales promotions and direct marketing. You may want to complain if you've seen a press advertisement, promotion, leaflet or poster that you think is ageist and you want it changed or withdrawn. The ASA can stop misleading or offensive advertising and ensure sales promotions are run fairly. Complain about television or radio advertising through the regulator OFCOM (Office of Communications)
  - Complaints about financial organisations, insurers and banks can be taken to the Financial Ombudsman, which can investigate complaints that haven't been resolved through the organisation's complaints process first.

- At any of the stages above, contact the Equality Advisory & Support Service for advice.
- Take your business elsewhere, and tell your friends and family to do the same. Write to the company telling them that ageism is the reason they've lost your business. Online reviews can be a powerful way of making your views known, and can sometimes get a more favourable response from the company if they fear losing more business.

# Age Discrimination and Human Rights

Human Rights are the basic and fundamental rights that we all share. They are intended to ensure that all people can live in dignity and develop their full potential. They apply to everyone equally and can only be taken away in specific situations and according to law.

Human Rights offer an important means of protection for people when they are vulnerable - including older people receiving care and support - by setting out the duties of those responsible for upholding human rights.

Attention to human rights is one way in which age discrimination can be avoided. In practice, attention to human rights means public services (e.g. hospitals, schools, local authorities) applying the PANEL principles and Human Rights Act 1998 when designing and delivering services.

## The PANEL Principles

- **Participation:** everyone has the right to participate in decisions which affect their lives. Participation must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.
- **Accountability:** there must be appropriate laws, policies, institutions, administrative procedures and mechanisms of redress in order to ensure that you can complain when necessary.
- **Non-discrimination:** all forms of discrimination in the realisation of rights must be prohibited, prevented & eliminated.
- **Empowerment:** everyone should know their rights and be supported to participate in decision making, and to claim their rights where necessary.
- **Legality:** public authorities should expressly apply the Human Rights Act and make linkages with international & regional human rights standards

## The Human Rights Act 1998

This Act Requires all public authorities to comply with the rights and freedoms contained within the Act. Where there are failures to comply, it is possible for individuals to make a claim in a UK court or tribunal.

If you are being discriminated against, you may be able to use the Human Rights Act to take action, or to strengthen your case.

Key rights contained in the Human Rights Act are:

- Article 2: Right to life
- Article 3: Right not to be tortured or treated in an inhuman or degrading way
- Article 5: Right to liberty
- Article 8: Right to respect for private and family life, home & correspondence
- Article 14: Right not to be discriminated against in relation to any of the rights contained in the European Convention

If you feel that a breach of your human rights has taken place, it is a good idea to get some specialist advice as early as possible to help you talk through your options and decide on the best course of action. Human rights issues are often thought about in terms of legal claims, but this need not be the case: it depends upon the context and on your particular circumstances.

There are a range of other steps to consider first to help you resolve a problem:

- Contact the free & specialist Equality Advisory & Support Service
- Contact local or national advice organisations like CAB
- Consider contacting calling a reputable lawyer . If you decide on this option, it is a good idea to shop around first. Many advice centres will recommend solicitors and this is the best method but you can also seek recommendations from friends and family, or look on the internet for specialist firms in your area. Make sure you are clear on the details of how you will be charged before you hire anyone.

# Contact details for organisations offering specialist and free information and advice

## ACAS

**Independent service for dealing with disputes between workers and their employers.**

ACAS Wales Regional Office  
Third Floor, Fusion Point 2  
Dumballs Road  
Cardiff, CF10 5BF

**0300 123 1100**

## Advertising Standards Authority (ASA)

**Independent regulator for advertising across all media in UK.**

Advertising Standards Authority Limited  
Mid City Place  
71 High Holborn  
London, WC1V 6QT

**020 7492 2222**

## CAB (Citizens Advice Cymru)

**Helps people resolve their legal, money and other problems by providing free, independent and confidential advice.**

In person - search online for your nearest bureau: <https://citizensadvice.org.uk/index/getadvice.htm>

Wales National Advice Line: 03444 77 20 20 (TextRelay users 03444 111 445)

Consumer Advice Line: 03454 04 05 06 (Textphone, dial 18001 first followed by the consumer helpline number)

Welsh-speaking adviser on 03454 04 05 05 (for textphone dial 18001 followed by number)

Online advice: <https://www.citizensadvice.org.uk/wales/>

## Care Council for Wales

**Investigates complaints about social services workforce in Wales.**

Conduct Investigations Manager  
Care Council for Wales  
South Gate House  
Wood Street  
Cardiff, CF10 1EW

**029 2078 0644**  
**investigations@ccwales.org.uk**

## Care and Social Services Inspectorate Wales

**Inspects social care and social services to make sure they are safe for the people who use them.**

Welsh Government Office  
Rhydycar Business Park  
Merthyr Tydfil, CF48 1UZ

**0300 7900 126**  
**cssiw@wales.gsi.gov.uk**

## Community Health Councils

**Find contact details for your nearest council here: <http://www.wales.nhs.uk/ourservices/directory/CommunityHealthCouncils>**

## Equality Advisory & Support Service

**Helpline that advises and assists individuals on issues relating to equality and human rights.**

Freepost Equality Advisory Support Service FPN4431 (for initial enquiries only - do not include any documents)

**0808 800 0082 (Text phone 0808 800 0084)**

## Equality and Human Rights Commission

**Advice and guidance on rights, based on equality law and human rights.**

Block 1, Spur D,  
Government Buildings,  
St Agnes Road,  
Cardiff, CF14 4YJ

**029 2044 7710**  
**wales@equalityhumanrights.com**

## Financial Ombudsman

**Investigates and tries to resolve individual complaints that consumers and financial businesses aren't able to resolve themselves.**

The Financial Ombudsman Service  
Exchange Tower  
London, E14 9SR

**0800 023 4 567 (calls to this number are free on mobile phones and landlines)**

**Text 07860 027 586 and request a call back**  
**complaint.info@financial-ombudsman.org.uk**

## Healthcare Inspectorate Wales

**Independent inspectorate and regulator of all health care in Wales and aims to improve peoples' experience of health care in Wales.**

Healthcare Inspectorate Wales  
Welsh Government  
Rhydycar Business Park,  
Merthyr Tydfil, CF48 1UZ

**0300 062 8163**  
**Email: hiw@wales.gsi.gov.uk**

## Public Services Ombudsman for Wales

**Looks into complaints about public services (e.g. independent care providers, NHS and council services such as transport and leisure facilities) in Wales.**

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

**0300 790 0203**

