

Women and Equalities Committee

Oral evidence: Rights of older people, HC 132

Wednesday 7 February 2024

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Members present: Caroline Nokes (Chair); Dr Lisa Cameron; Dame Jackie Doyle-Price; Carolyn Harris; Kim Johnson; Lia Nici; Kate Osborne.

Questions 68-129

Witnesses

[I](#): Dr Alysia Blackham, Associate Professor at Melbourne Law School, University of Melbourne, John Kirkpatrick, Deputy Chief Executive Officer at the Equality and Human Rights Commission, and Declan O'Dempsey, Barrister at Cloisters Chambers.

[II](#): Helen Dobson, Managing Director at Citizens Online, Councillor Gillian Ford, Deputy Chair, Community and Wellbeing Board at the Local Government Association, and Dr Emilene Zitkus, Senior Lecturer at Loughborough University.

Examination of witnesses

Witnesses: Dr Alysia Blackham, John Kirkpatrick and Declan O'Dempsey.

Q68 **Chair:** Good afternoon. Welcome to this afternoon's meeting of the Women and Equalities Committee, the second evidence session in our inquiry into the rights of older people. I thank our three witnesses for attending this afternoon. We have Dr Alysia Blackham, associate professor at Melbourne Law School, appearing by Zoom; John Kirkpatrick, the deputy chief executive officer at the EHRC, also on Zoom; and Declan O'Dempsey, barrister at Cloisters Chambers, in person.

As is the usual practice, members of the Committee will ask you questions in turn, but if any of you wishes to come in at any point, please do indicate. It is always a bit trickier when we have hybrid witnesses, but please indicate and I will try to bring you in at an appropriate time.

I am going to start with you, Alysia, to talk about some of the evidence that we heard last month: that discrimination against older people was in many ways socially acceptable, that it happens and that it was less challenged than other forms of discrimination. Has the way in which the law around equalities and older people is framed made it almost more acceptable?

Dr Alysia Blackham: I think there is a strong argument that the way the law is currently framed exacerbates the acceptance of age discrimination. At the moment, age is the only protected characteristic in relation to which direct discrimination can be objectively justified. That sets age discrimination apart from any other protected characteristic. My research has shown that that has devalued age as a protected ground. Age discrimination remains very much accepted and normalised. The law, by making that different provision—by allowing objective justification of direct age discrimination—serves to embed and essentially legitimise ongoing age discrimination.

Q69 **Chair:** You talk about your research. Can you quantify that for us in any easily recognised statistics?

Dr Alysia Blackham: A number of surveys have asked older people about their experiences of age discrimination, and they generally find that a significant number of older people experience age discrimination at work and in public life. Repeated survey evidence backs that up.

We can also see this in terms of the age discrimination complaints that are brought. My research has looked at claims brought in employment tribunals in the UK, and my best-guess estimate is that about 0.08% of possible claims by older workers who experience age discrimination actually lead to early conciliation notifications to ACAS. Overall, while we are really just estimating based on the statistics, we have very low numbers of complaints of age discrimination from older workers.

Q70 **Chair:** Declan, can I put the same sort of question you? Specifically, are



there any strengths about the way we do it in the UK?

Declan O'Dempsey: First of all, I echo what Alysia has said, but can I put a practitioner's perspective on it? Then I will try to come to the question of strengths, the short answer to which is that they are very few and very limited.

For employment tribunals, the reality is that most people who appear are litigants in person, so the justification model on direct age discrimination that we have has a real chilling effect. You may find—forgive me; I do not have the statistics, but this is from my experience as a practitioner and observer—that lots of cases start, although Alysia pointed out the percentages, but very few get through to the end, because it is an incredibly weak model of discrimination.

The strengths depend on whether you are in love with utility. It seems to me that, as a society, we find age discrimination useful, but reflect on that for a moment: there was a time when we found all sorts of discrimination economically and socially useful. I think that is the basis for our using a justification model, but it is outweighed. If one is trying to change the culture of society, as opposed to embedding the utility idea—that discrimination is okay if it is useful in relation to age—this has a chilling effect on that process. If, on the other hand, you are not interested in doing that, the justification model has a use. Some businesses—I am not sure how many—and some service providers might like that.

So my answer is no, I do not think that objectively there are very many strengths if one is looking for a model to change the culture of a society away from discrimination, as opposed to embed discrimination.

Q71 Chair: Thank you. John, it would be helpful if you could reflect on Declan's comment about litigants in person and Alysia's comment about very few cases being brought in the first place. Does that indicate that the current law isn't working?

John Kirkpatrick: That is certainly our experience. We are definitely aware that a number of concerns have been raised by a variety of people, including your other witnesses, and put to your Committee. The Equality and Human Rights Commission's prejudice barometer is a little out of date now, but it definitely reported more experience of prejudice based on age than on any other characteristic. It also showed that there were cases of an attitude wherein age discrimination was seen as not being as serious as some other forms of discrimination.

Although there is definitely some evidence of that, I do not disagree with the others' comments about the number of cases. As a matter of fact, fewer cases are brought on the ground of age than are brought on most other protected characteristics. In 2022-23, roughly half as many age cases were brought to employment tribunal as were for sex or for race, and roughly a third as many as for disability. Those are the sorts of numbers. Age discrimination cases represent only about 2% to 4% of the serious issues that are brought to us.



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What is much harder for us to judge is whether the small number of cases is because of an absence of discrimination or other reasons. Other witnesses are probably better equipped to identify some of the barriers or deterrents to cases from being brought forward, explain the relatively low numbers that we all agree we have experienced recently.

- Q72 **Chair:** Can I just wind back? You get more reports of age discrimination than any other sort of discrimination, but that only represents 2% to 4% of the cases brought. Should a priority for the Commission be to work out what the barriers are and to encourage, foster and help individuals who clearly fall out of the system from the get-go?

John Kirkpatrick: We generally rely quite heavily on what people bring to us—not necessarily directly to us, but may be from the sources of the cases that are brought forward, whether that is to EASS, through ACAS or to industrial tribunals. It may well be that there is more concern out there than ever comes forward as cases, but as I say, I would be inclined to listen to the other witnesses, in the first instance, about what they perceive to be the reasons why the situation I described—that survey data says that people experience prejudice—does not translate itself into more cases being brought forward. Like others, I acknowledge that there could be a variety of reasons for that. It might be that the nature of the prejudice is not the same, or it might be to do with that slightly different cultural assessment of the environment that Alysia and Declan mentioned. It might be that there are other specific obstacles to bringing cases forward, or it might be, as has been suggested, that there are some issues around the structure of the law. Those things are not visible to us at the moment in the way that cases come forward.

- Q73 **Chair:** If those things are not visible to the Commission, should the Commission take steps to try to make them visible?

John Kirkpatrick: There is always the scope for us to go out and see if we can chase down some more things and try to understand more of where those things are. We have looked in the past, and we still do look across the broad range of our activity at whether there are things that we can fund in situations where, for example, funding may be an obstacle to people bringing cases forward.

As a matter of fact, we have not done that further and more detailed research into reasons why these cases do not come forward and barriers to their doing so; it would definitely be a candidate piece of work that we might think about. As I am sure you have heard before from colleagues at the Commission, there are limits to our capacity. It is something that we could do, should we wish to prioritise it and take it forward.

- Q74 **Chair:** Should you? You say it is something that you could do, should you choose to make it a priority, so should you? If you know that there is a big problem with age discrimination, and people in surveys show that there is a perception of age discrimination and people are not reporting it, should the Commission be doing more?



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John Kirkpatrick: As a matter of priority, to date we have not. Had we more resources and more capacity, we probably could. As we think about the next strategic plan that we are starting to develop, we are thinking more broadly about where our priorities ought to be. But we have to focus on the things that we choose to prioritise with the resources we have got.

Q75 **Chair:** Okay, so if you had more resources, would you? That is what I am trying to get to. Clearly it is not currently a strategic priority; is it going to be?

John Kirkpatrick: I am not going to prejudice the strategic plan consultation that we will be coming out with later in the year. As we consult on that, there will certainly be the opportunity for people—including your Committee in this inquiry—to tell us that they think ought to be a priority. We would then certainly want to think about whether it finds its way into that list, alongside the other things that people are telling us we ought to be thinking about.

Q76 **Chair:** Thank you; that sounds like an opportunity for all the third-sector organisations that we heard from the other week to take part in your consultation. Alysia, did your analysis of age discrimination cases in the UK show that the current law was effective?

Dr Alysia Blackham: We have spoken a little bit about where these cases are going and why they are not being brought. I examined 1,208 age discrimination cases brought over roughly a two-year period, and one of the striking things in that study was that in that sample, 804 cases—66%—were withdrawn or not pursued. People were filing a claim of age discrimination, but then not pursuing it beyond that process. That is perhaps attributable to the fact that direct age discrimination can be objectively justified, so perhaps people who had more than one ground for a claim were abandoning the age component of that claim rather than pursuing it, because of that risk of a justification defence.

The other thing that really came through in that study was that success in this jurisdiction was really exceptional—it was very unusual for those claims to succeed. Even when people pursued their claims to a hearing, success was the exception, not the norm. We can see that even in the most recent statistics we have available for the employment tribunal's age claims: roughly 2% were successful at hearing. Success is very much the exception not the norm in this jurisdiction.

Q77 **Chair:** How does that 66% of claims that were filed and then dropped compare with something like race discrimination?

Dr Alysia Blackham: The most recent statistics from employment tribunals across all grounds that we have access to are from quarter 4 of 2020-21. They show that 18% of all claims were withdrawn in that quarter, but for age discrimination cases that figure was 27%. So even using the tribunal's own statistics, age claims are being withdrawn at a higher rate overall than claims on other grounds.

Q78 **Chair:** Alysia, do you think the EHRC could be doing more to make it a



priority to drive down the number of dropped claims?

Dr Alysia Blackham: I think there is a really strong argument that the EHRC should be reprioritising age in its agenda. I have spoken with various people at the Commission about that over many years as I have conducted this research. There is always a lot of good will, but it never makes it on to the agenda. We know age discrimination is very prevalent, but it is very difficult to address via an individualised complaints model, which is essentially what we are relying on right now.

One of the real challenges in this space is that, because age discrimination is so accepted and socially acceptable at present, people often internalise it. Internalised age discrimination may mean that people are less likely to bring a complaint when they experience discrimination. They may say, "Well, I'm getting older. Maybe I deserved it. Maybe it is time for me to retire." Of course, that is not necessarily the case; it is very likely to be discrimination and claim might be successful, but the claims are not brought.

Q79 **Chair:** Thank you. Declan, from a practical perspective, is there anything that you can add to that?

Declan O'Dempsey: Two things. First, I want to emphasise the internalisation point. People internalise a lot of age stereotypes, which lead to a lack of confidence, and you see that following through into their willingness to see things through to the end.

I also want to add something on whether increasing the funding of cases via the EHRC might be a solution—although I am sure nobody thinks that is a magic bullet. On the current model, it would be incredibly difficult to increase the number of cases coming forward, because each time the EHRC has a case, it needs to send it off to a barrister or solicitor to make an assessment of the prospects of success. It is at that point that the objective justification issue comes to bear. That creates uncertainty, which again pushes down the number of cases that get funding in that situation. It doesn't exclude them all. Of course, John, it would be a great improvement if there were more funding, but I don't think the Committee should be thinking of a recommendation along solely those lines—I am sure you are not—as a way forward for the EHRC. *[Interruption.]* I see John has his hand up. My strong view is that the model is what is at the bottom of the problems, allied with our cultural attitudes towards age.

Q80 **Chair:** Thank you very much. John, Declan says that it is cultural: it is the model, not necessarily the cash. What is the EHRC's take on that?

John Kirkpatrick: I was going to endorse what Declan said. It is not necessarily right to think about this wholly as a supporting individual cases issue. To the extent that the EHRC has done and will continue to do work in relation to age, it is not necessarily by supporting and pursuing cases through tribunal that we think we are likely to be most effective.

One thinks about other ways in which we work as part of our regulatory model. In advocacy with the Department for Transport on ticket offices,



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for example, we were one voice among those encouraging a rethink in that area. We did work initially through litigation, and subsequently through guidance and so forth, on menopause and how age discrimination can be avoided in the workplace on those grounds. We helped to drive policy and developments of the law on flexible working, which of course made a huge difference to the potential engagement of some older people with the workplace. These are all areas where one can make progress on age discrimination in ways that are different from simply supporting cases through tribunal. That is in part to support Declan's observation. If the only way forward was to think about how easy it is to bring cases to tribunal and whether more of them could be supported, that would indeed be quite challenging and potentially very expensive. We think there are other ways in which we have also operated to tackle different forms of age discrimination.

- Q81 **Dr Cameron:** Alysia, you have called for the ability to objectively justify direct age discrimination to be removed from UK law. What evidence is there that this will provide more effective protection for older adults while at the same being proportionate?

Dr Alysia Blackham: At the moment, age is the only ground where this exception exists. It is the only protected characteristic where we can objectively justify direct age discrimination. I think the question is: do we still see age as so exceptional that it should have lesser protection when people experience discrimination on the grounds of age? In my opinion, age should not be seen as exceptional. It is a protected characteristic.

Age discrimination is just as harmful as any other form of discrimination. We hear this in stories from people who experience it in the workplace, in services and in education. As we face demographic aging, which is a success story but also something that opens up new challenges and opportunities for us as societies, at this point removing the ability to objectively justify direct age discrimination is a fair response to the way society has shifted over the last nearly 20 years. We should no longer see age as exceptional, and we should no longer give it exceptional treatment in the law. To me, that is proportional.

- Q82 **Dr Cameron:** Do you feel that if this was removed, legal advice to people going to tribunal might be that they would have a greater chance of success? Is it that lawyers are saying there is little chance of a case being successful so there is no point in going through the stress of the process or the cost?

Dr Alysia Blackham: I think it is very likely that the advice people would receive would be that the claim is more likely to be successful were the exception to be removed and this no longer the case.

What we are currently seeing in terms of case trends is that often if people are experiencing discrimination on the basis of multiple grounds—say, gender and age—they will pursue the gender ground but not the age ground, because age is seen as having weaker protection from discrimination. I think partly what we are seeing is that age discrimination



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law is not being pursued because this exception applies. Certainly, people would have a better prospect of success. I think the advice would be that they would have a better prospect of success, and I think that would play into people's willingness to bring a claim.

Interestingly, when I studied all these cases, it was actually very rare for employers to argue that direct age discrimination was justified. It was exceptional for it even to be raised. It was only raised in seven cases out of the 1,208 cases, and in only one case was direct age discrimination found to be justified. This is not a common thing people are using, but I do believe that it is commonly deterring claiming. The symbolic impact is really disproportionate to the legal usefulness of this for employers.

Q83 Dr Cameron: Declan, what is your view as a practitioner? Do you think the current law provides the right balance?

Declan O'Dempsey: It won't surprise you to know that I don't. I will just add a couple of things to what Alysia said. If anybody is worried about floodgates here, where you remove justification and the courts go mad with age claims being brought, you need to remember that by the time it gets to objective justification you have got to have shown causation and that you were in a comparable situation to somebody who was not being discriminated against. Direct discrimination is very difficult to prove in any event.

As a practitioner in this area, I think the impact of objective justification is that I may end up seeing more justification cases than others. I am interested in hearing Alysia's evidence on the deterrent effect. There definitely is a deterrent effect. If you have the combination of litigants in person bringing their own cases and them seeing this incredibly complicated law, that kind of barrier has put people off. I can say to the Committee, don't worry about floodgates if objective justification were to be removed.

Q84 Dr Cameron: Presumably if people are not bringing cases, precedents are not being set in the law that cases can be made upon, as in many other types of discrimination.

Declan O'Dempsey: There are precedents that have been set. If it is of use to the Committee, I can do a short note later to show just how complicated that process can be. Yes, there are precedents that have been set, particularly in areas like pensions, in relation to multiple claims, such as in the civil service and areas like that. There have been some police cases as well. There is a danger, of course, that the creation of precedents then gets skewed towards collective agreement-types of areas, whereas most age discrimination is going to be at the individual level.

Q85 Dr Cameron: What effects would framing the law in the way that Alysia suggests have on the enforceability of older people's rights? What would make a difference?

Declan O'Dempsey: In terms of removing objective justification, it strengthens the individual enforcement model. I think that everybody



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giving evidence today—I don't know about John—would agree that some collective element is absolutely necessary. Actually, to be fair, I think John would agree with that.

The idea of having a commissioner—whether you call them a commissioner for older persons or a commissioner for societal change or demographic change, which is probably better; call it what you will—would be a really interesting and effective way of moving things along, because it would concentrate one's forces in an individual who can champion these rights, put pressure on the Government and the Equality and Human Rights Commission, and make sure that an area that has not received the profile that it should be receiving, in terms of culture change, receives it. Sorry, that is a slightly long answer to the question.

- Q86 Dr Cameron:** Alysia, I was interested to hear that you believe that explicit recognition of intersectional discrimination in equality law is particularly important for older people. Could you explain your thoughts along those lines?

Dr Alysia Blackham: Absolutely. I am certainly echoing a really strong body of scholarship that supports the embedding of intersectionality within equality law. There has been a lot of research arguing that this is a really important way of strengthening equality law to recognise people's authentic experience of how they actually experience discrimination in practice.

When I conducted a study with a colleague looking at how people report discrimination, using Australian Bureau of Statistics data, we found that over 30% of people report experiencing discrimination across more than one ground. So the way people experience discrimination is multiple and intersectional, but our law is not often designed to reflect that.

The Committee has previously called age an amplifier of other grounds—an amplifier of inequality. The way that age discrimination works is that it intersects and overlaps with many other protected grounds. The way that age discrimination is experienced also changes as people have other protected characteristics. For age discrimination in particular, embedding intersectionality in the law is really critical, and this partly comes back to the fact that we are missing so many age discrimination complaints.

There is currently no incentive for people to bring their claim of age discrimination as well as a claim of sex, ethnicity or race discrimination. Bringing more than one claim does not lead to any better remedy, and it is probably not going to lead to a more successful outcome, so at the moment there is no incentive to bring an age claim as well as some other claim. Embedding intersectionality into the Equality Act might help address that.

- Q87 Dr Cameron:** Just to clear it up on my mind, if there was an intersectional approach rather than a separate stream of comparators, would that not raise the bar, because you would have to find a comparator over two or three different dimensions for the claim?



Dr Alysia Blackham: The comparator is one of the really difficult aspects for people who experience some sort of intersectional discrimination, because we often identify the character based on one characteristic. Once you have multiple characteristics in the mix, choosing a comparator becomes slightly impossible or just nonsensical, because there's so much going on.

I think this is where having the ability to use a comparator, if it is helpful, but not necessarily relying on a comparator, is really important, and the courts have quite a sophisticated approach to that, which Declan might be able to say more about. The comparator certainly is a challenge, but I think the law is capable of dealing with that.

What it really would do, though, is to allow people to present a claim in a way that reflects their actual experience. I think that's really important if we're trying to enable people to use the law and to feel like they have voice when they do bring a complaint.

Q88 **Dr Cameron:** Absolutely. I just have concerns, I suppose, from what you've said, that it might make it even more complex for people when they're already struggling with the process. Declan, what are your views on what has been said?

Declan O'Dempsey: When this question comes up, you tend to see a division between the people who are studying this in academia and those who are dealing with it in practice.

Lawyers are quite creative people; that may not have become apparent to you, but when we're presented with a problem, we try to find a way around it. So, you will try to find a route of essentially emphasising one particular strand, and in practice the tribunals will certainly look at a case and consider whether any discrimination has been going on.

However, the problem is that it complicates the process for litigants and the whole process of trying to find a comparator can represent another kind of procedural barrier for them, because they hadn't pleaded their several characteristics. Then, there is the option of saying, "Well, it wasn't because of characteristic A, it was because of unpleaded characteristic B," which again has a bit of a chilling effect.

The model that was used—section 14 of the Equality Act, which wasn't brought in—simply moved the problem on to two characteristics. What do you do about it if there are more than two characteristics?

This requires a great deal of thought, but I think there is a solution around the way in which the law could make it clearer how causation by one protected characteristic—if it comes into a decision at all, regardless of whether there may be other things involved—is sufficient, because the reality is that if you have a multiple discrimination claim, it doesn't actually make all that much difference to the compensation that is paid. So, from a practical point of view, what we try to do as lawyers is to try and keep things simple.

Q89 Dr Cameron: Absolutely. Alysia, what evidence is there from Australia or elsewhere that specific positive duties, such as demonstrating progress in reducing discrimination, are more effective than the English public sector equality duty?

Dr Alysia Blackham: There are a few challenges facing the English public sector equality duty at the moment. One is that the specific duties that underlie the general duty are not as developed as they are in the other nations, and I think that has caused real challenges.

In particular, one of the really key features of positive duties when they were introduced was that they would encourage consultation and engagement with those who are affected and with stakeholders, ensuring that everyone was part of that conversation about how we advance equality.

At the moment in England, there is no specific duty requiring consultation and in fact there never has been. I think that's a really significant gap, which potentially undermines the effectiveness of the public sector equality duty in effecting change.

The other point I would make is that the "due regard" standard is quite a light standard. It requires public sector entities to consider equality, but not necessarily to make a difference or make progress. I think that is where some of these emerging duties in other jurisdictions are really interesting, in that they require the public sector to make progress—material progress—and to report on that progress, with an independent commissioner overseeing their progress over time.

I think that is a much more developed approach to seek effective change, which might be considered as we strengthen the public sector equality duty to really tackle deep-seated problems in society—deep-seated inequalities.

Q90 Dr Cameron: Declan, do you think a strengthened, specific positive duty approach would be more effective?

Declan O'Dempsey: The short answer is yes. What I would like to do, because I have been giving this some thought in the light of what has been done recently on sexual harassment, is to do you a note on the models you could use to introduce reasonable steps to eliminate duty in both the public and private sector. That would, again, strengthen the armoury in favour of culture change, and it could be done regardless of whether you think the objective justification duty defence could be removed. I think the public sector equality duty needs better enforcement in this area.

The commissioner—I hope he will forgive me for saying this; he probably won't need to—ought to be given the ability to do a full and proper statutory code on the application. At the moment, there is only technical guidance. I ask the Committee, if I may make this submission, to please recommend that they are given that, that they are allowed to put forward a statutory code. I think there have been attempts in the past, but they



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did not reach fruition. That would make a big difference to how people can operate it.

I agree entirely with Alysia's views on the reintroduction—or the introduction—of specific duties. These are incredibly important to the public sector equality duty because they provide transparency and data. Data has stopped being collected in many places, as the requirement faded away.

Transparency is important because it empowers people. It empowers local groups to talk to their local authority. It means that a lot of the work we need to get done for culture change gets done pre-litigation. You never see the court because the groups are writing to their local councillors, and the councillors are taking on board people's needs. But you need transparency to enable people to do that bit of culture change.

- Q91 **Dr Cameron:** Thank you so much. We have heard across the board about the need for culture change and ways to progress that. John, what is your feeling on the need to strengthen the public sector equality duty in England that has been mentioned?

John Kirkpatrick: I do not have a huge amount to add to what other witnesses have said. Our experience suggests, as others have indicated, that there is still a road to travel on improving the standard of compliance with the public sector equality duty. Clearly, the more requirements you add, the more burdensome some duty holders might feel it to be.

I absolutely agree with Declan: transparency is a very big issue. A lot of the work that we do with duty holders, and we do quite a lot of work with duty holders to encourage them to smarten up their game on compliance with the public sector equality duty, is about transparency. We encourage people to be outcome-focused, evidence-based and specific in their equality objectives, and then to measure and publish progress on what they are doing, how they are doing it and what progress they are making.

On specific duties, I also endorse what the other witnesses have said. We have a sort of natural experiment at the moment in that there are specific duties in Wales that go further than the ones in England. It could potentially be really helpful if we could understand better than we do so far what impact those have had. That would provide a really useful evidence base for thinking about what impact the more and more specific duties might have in England.

Dr Cameron: Thank you so much.

- Q92 **Kim Johnson:** Good afternoon, panel. John, Declan just touched on the benefits of having a dedicated older persons' commissioner. In the UK, we have a Children's Commissioner. Northern Ireland and Wales have commissioners for older people. I just want to know your thoughts on having a dedicated cross-departmental Minister and a commissioner for older people and ageing?



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John Kirkpatrick: If I can take those in the opposite order, we have no particularly strong view one way or another on the notion of a commissioner. If Parliament were to decide that was a good idea, it would be important to be really clear on what the role was. Would the role be as advocate? Would any additional powers be given to the commissioner? If so, how would they interact with our powers and responsibilities and those of others in this area? Were there to be a commissioner, in just the same way as we listen very carefully to the arguments and conclusions of the existing commissioners, so we would to that one.

A Minister is another interesting proposal. It is a matter for Government, but for us it would provide a focal point both for Government action in this area and for us to engage with. It would be really helpful if any such Minister were to be in the same Department as set our budget, so that we have the link between the accountability for outcomes and the budget for delivering them. That is more helpful than having responsibilities spread across various departmental portfolios.

Q93 **Kim Johnson:** Has the EHRC had any discussions with Ministers about those proposals?

John Kirkpatrick: We haven't to date, no. We would be very happy to be involved in any conversations about them going forward, but it hasn't happened to this point.

Q94 **Kim Johnson:** John, we have heard in both today's session and previous sessions that the law and framework on equal rights for older people is not great. Is the EHRC looking at review and reform of law on equal rights for older people?

John Kirkpatrick: It is not something we have been jumping up and down and calling for, but should you put that forward as a Committee, we would be very comfortable with that; we would support and of course co-operate with it. We might prioritise a number of things to be looked at in any such review, and they might or might not be the same ones as other witnesses would be interested in.

We talked earlier about understanding better why so few age-related discrimination cases come before the courts. I suspect that various other issues have come up in your discussions that other witnesses may want to say something about, such as time limits for claims to tribunal. Are those time limits right or do they serve as another barrier? We made points earlier about transparency and accountability. Are there ways in which we could drive those forward? We had discussions about objective justification, and indeed about exceptions. These things need to evolve as society evolves, as the population ages, and so on and so forth. Those would all be useful areas for further review. Were such a review to be recommended, we would absolutely want to contribute and help it progress.

Q95 **Kim Johnson:** Thanks, John. Do Alysia or Declan want to come in on any of those points?



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Dr Alysia Blackham: Coincidentally, I have some of that evidence base for you, John. I will send you a copy of my book, which examines why there are so few age discrimination complaints. I have also provided a copy to the Committee. It examines all these barriers in excruciating detail.

On the point about an older people's commissioner, I would very much support it. Experience, particularly in Wales, has shown that an older people's commissioner can have a significant impact through the exercise of self-power, both by engaging with Government Departments and Ministers and prompting change, and by acting as an advocate for older people, helping them to navigate Government Departments and processes, and bringing a complaint if they need to. We are really seeing the impact of having a dedicated commissioner in the other nations, and I think it could really help to effect significant change in this area.

Declan O'Dempsey: I agree and have nothing to add, as they say.

Q96 **Kim Johnson:** Just out of interest, John, you were saying that you have not had those discussions. As an organisation set up to look at these issues, I would have thought that making recommendations where there were major failings might have been something the EHRC was involved in.

John Kirkpatrick: My answer to that is broadly the one I gave earlier: the work that we have done in this area has been in different territory. We have not chosen to take forward the question of why there are so few cases and the implications of that. It has not found its way as high up our priority list as some would like it to. I certainly do not rule out it doing so. I simply set out, as a matter of fact, that it has not done so in recent years. We have focused instead on working in areas that we have seen as a priority, many of which have, as I indicated earlier, made a difference to the lives of some of those at risk of age discrimination.

Chair: I thank all three witnesses for this panel for their evidence. If there is anything that you would like to add in writing, please do so. I will suspend the sitting for a couple of moments to bring in the next panel.

Examination of witnesses

Witnesses: Helen Dobson, Councillor Gillian Ford and Dr Emilene Zitkus.

Chair: We will resume with our second panel in this session of the inquiry into age discrimination. I welcome our next three panellists, Dr Emilene Zitkus, Helen Dobson and Gillian Ford. Before we start, can I check, as I did with the previous panel, that you are happy that we refer to you by your first names?

Helen Dobson and Dr Emilene Zitkus indicated assent.

Cllr Gillian Ford: Please do.



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Chair: Thank you. Members of the Committee will ask you questions in turn. If any of you wish to come in at any point, please indicate and we will try to bring you in at the appropriate time.

- Q97 **Lia Nici:** Welcome, all. My initial question is to Helen. Should we be wary of stereotyping older people as having the problem of being digitally excluded? Do we need campaigns, or the media in general, to showcase older people as being digitally included, and perhaps even experts?

Helen Dobson: Thank you for that question, and thank you on behalf of Citizens Online for having us here to give evidence today.

We should be very wary of stereotypes. The majority of older people are online and that is a fact today, so that is great news. When you think about digital exclusion, the picture that is used to advertise digital help sessions is traditionally of someone who is older with a tablet, but actually, some of the digital champions who volunteer for Citizens Online to help others are retired, in their 60s and 70s. There are countless examples of people who are very comfortable and competent using technology.

It is also dangerous to stereotype this as being a problem only for older people because the opposite stereotype—the notion that all young people are digital natives now and so comfortable with it—is also untrue. The Digital Poverty Alliance did a really good evidence review last year, which tried to bust that myth of young people all being very confident and competent. It is just not true. If you want to look at a single risk, old age is still the biggest risk factor for digital exclusion, but the problem with digital exclusion is that it is intersectional. When you combine age with someone who is living on a low income, for example, or disabled, that is when the risk of digital exclusion becomes much higher. It is too simplistic to judge this problem purely on age.

- Q98 **Lia Nici:** Thank you. I have a question for both you and Emilene. Do you think that the headline figures of smartphone ownership or being connected online at home hide the problem of digital exclusion?

Dr Emilene Zitkus: Yes, my research has shown that. To give a bit of background and context, my research is built on national surveys, such as the Lloyds survey published in 2021 about essential digital skills for life. Interestingly, the research points out that 60% of the 11 million people who do not have essential digital skills for life are 65-plus. However, it is a survey. It is hard to understand what is missing if they are not online.

My research has focused on the lived experience of older adults to understand exactly what skills they have, and we have identified two groups. One is, as Helen said, well connected, highly skilled and able to use online services. They may have a preference to do their online banking on their computer at home and other things on their smartphone. However, there is another group—another 50%—who are connected, who have a smartphone and an email account, but they are not using online services independently, which is an issue.



Within that group, there are two major types. Some people have few skills, but they have several apps on their mobile phones. You think that they are doing everything, but it is their children who added the apps and they are doing what needs to be done for them. Other people within that group are using WhatsApp, communication apps and other apps that they like, but they are not confident enough. For example, whenever they do online banking or shopping, or enter personal data through a public service, they need someone to reassure them that they are not doing anything wrong or there isn't any scam. That is another group, and it is a big one within this group of people who are not independent and need the help of a family member or friend.

Helen Dobson: Citizens Online has done a couple of phone polls recently: one in West Sussex with 300 adults and a very good spread of socioeconomic factors, and one in Derbyshire with 500 adults. In West Sussex, only 83% of people said that they use the internet without help from anybody else; 6% said that they did not use it all; 3% said somebody else did online things for them, and 9% said that they occasionally needed help. It was a very similar picture in Derbyshire: only 80% said that they use the internet without any help, 9% did not use it, and 5% used it by proxy. You can see how, if you are older and living alone, that becomes a bigger risk factor. The most popular way that people get help with technology and digital skills is informal support. We have all done it ourselves. We get stuck with our phone, we turn around to somebody nearby and ask for a bit of help with it. You can see that, if you live alone, it is a much bigger risk factor.

Q99 **Lia Nici:** Absolutely. That brings me on to a question for you, Gillian. What are local authorities doing to identify people who are digitally excluded? What are they then doing for those without family, friends or relatives to help them to be digitally included, to encourage them to be able to use digital services online?

Cllr Gillian Ford: Local authorities are very active within their communities. Using my own authority as an example, the local library offers support and goes through digital training and courses for older people. Our voluntary sector offers opportunities of working with the public. It is about working across the whole system. With covid and cuts and energy costs, for example, the partnership has had to put in digital equipment for families over health matters. It is about getting that support through our health partners as well. We need a whole-system approach around digitalisation, not just one cohort of people.

Q100 **Lia Nici:** I suppose part of that challenge is those who are older and have health issues. What are councils doing there? It is good to have facilities in a library, but what if you cannot get transport to your library?

Cllr Gillian Ford: I put up a notice only this week about talking to your neighbours, friends and family about information that you see on social media. It is about getting those advocacy services in place as well, and working with the voluntary sector and our partners. It is about that frontline. Who is at that front door? Who is seeing them? We can include



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our police and fire brigade in that, who contact the local council when people do not have access to information and advice. It is also about looking at services and the forms that we have to fill in for the Government, and the public having to fill those in as well. It is about looking at how we can make that simpler, and how we can have hard copies for some of these things and talk people through them, so that we are not leaving people behind in giving them those opportunities.

Q101 Lia Nici: Do you think that is enough? You spoke about putting up a notice to say, "If you need help—" but do you think that, quite often, local authorities do not fully understand the issue of where those notices are put. If you are not online or buying a local newspaper, where do you see these notices?

Cllr Gillian Ford: That is not for the person themselves; it is advertising for family and friends, so if they see this information, they share it with those people who are not necessarily online. There is some important stuff that may be missed and should be shared. Scams are an example, and the immediacy of seeing information about a scam on social media. You cannot get to those people immediately, so it is about sharing information that you see and know, to ensure that those vulnerable people are okay.

Helen Dobson: If I can just come in on that point, you asked about what not only local authorities but all organisations are doing to recognise this. At Citizens Online, we feel really strongly about making digital part of the conversation. Digital skills are essential skills for life, as classed by the Government. There is an argument that they are as important now as literacy and numeracy. It is about asking someone who comes into a service, "Do you have a device you can connect to the internet with? Are you confident to download an app or use a new website on your own?" If the answer to either of those questions is no, that frontline person, whether they are in the GP surgery, the police, a local authority or even down the line—whoever it is—should then be able to offer help there and then, or at least signpost people to help.

There is a massive gap in awareness of where the support is. We did some research with the Centre for Ageing Better, which I know spoke to the previous Committee in 2021, with adults aged between 50 and 70 living on household incomes under £25,000. Eighty-seven per cent of those adults did not know where they could go to get help with digital skills. Now, I stress that they did not all need help with digital skills, but if they did, they were not aware of where they could go.

Libraries are a very important part of digital skills support and always have been, but, as you said, if you cannot get to the library that closes at 2 o'clock on a Wednesday afternoon, who is going to help you? Actually, there needs to be a range of support. At Citizens Online, we have a freephone helpline, which we launched directly in response to the pandemic, because obviously we could not do things face to face. But we have seen the need for it continue, because of people with mobility issues, health issues and caring responsibilities. They cannot get to a certain place by a certain time all the time, so it is important.



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The other gap in digital inclusion support, which we see huge demand for, is help in people's homes. Again, that is not traditionally done. Funding is the big gap there.

Q102 Lia Nici: Thank you. To both of you, and to develop that point, we know that some older people struggle to pay to stay online and stay connected. What are local authorities and other organisations doing to talk with broadband providers about social connectivity tariffs and that kind of thing?

Cllr Gillian Ford: From a local authority perspective, it is not something that we do per se, but we are absolutely willing to have those broader conversations and work with Government on how we can get some good deal packages. To expand on that, one of the problems is the broadband access that people have at home: 69% of the 65-plus group have broadband at home, compared with 96% of the 25-to-34 age group. There is a mismatch there in terms of broadband at home.

To use an example in my own authority, we are looking at the digitalisation of the telecare service, because of the BT change that is going to take place. We are fortunate that our contract coincides with this, so we can now move to that digital model, which will include the cabling and the wi-fi connections in those properties. But the challenge, for some authorities, is about where their contracts sit and how they can get in a position to transition to that new way of working.

Helen Dobson: Again, raising awareness of the social tariffs and things is a big gap, and it is something that we advocate. We build local digital inclusion networks, as Gillian alluded to. This issue is not going to be solved by a single organisation, so sharing best practice, coming together in a network and having that range of support are important. We are always encouraging people to talk to people—"Did you know you can get cheaper broadband?"—and to talk to them about social tariffs and things.

The cost of living has had a huge impact on people's ability to have broadband connections at home. Last year, Citizens Advice published evidence of 1 million people cancelling their contracts. At Citizens Online, we have seen a 50% increase in referrals and people asking for devices since the pandemic. If something breaks, people do not have the ability to buy a new device or get it fixed. The cost of being connected is definitely an issue.

Q103 Lia Nici: Finally, for all of you, do you think that companies and organisations should be able to make more use of other ways of communication? We know that older people tend to watch television—analogue television, or perhaps Freeview—and listen to radio more. Do you think that those forms of communication are still very important, and should they be available for organisations and local authorities to use more to get the message about assistance out there?

Helen Dobson: Yes, I think that would be a great idea. We do advertise services in areas—on buses and things—but of course there is always a cost involved. More public service advertising about these low-cost social



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tariffs or about where people can get help to do things that interest them online is a great idea.

Q104 **Chair:** Gillian, can I take you back to the comment about the contracts and home care being digitised because BT is turning off the analogue system? Has the LGA done any work looking at the intersectionality—it is going to be a different one to what everyone is expecting—between older people and rurality?

Cllr Gillian Ford: There is a disparity between rural and urban access. We have more broadband going in but now at the gigabyte level. On the speeds of access—the stats are here, bear with me—47% of rural has gigabyte coverage compared with 79% in urban areas. We are seeing that disparity and the impact is not just in rural but coastal areas.

Q105 **Chair:** Specifically, is any work being done—I do not know the answer to this and maybe I should not ask questions I do not know the answer to—about the proportion of older people living in rural areas and therefore that hideous gap that not only are you older but you are in rural isolation and cannot get broadband?

Cllr Gillian Ford: Yes, absolutely. There is a higher level of older people in rural areas, which has that knock-on effect on their access to services, transport networks and everything that revolves around being older, the services they require and that digitalisation.

Q106 **Dame Jackie Doyle-Price:** Helen, we know that since the pandemic the drift to online services, particularly from health authorities and local government, has been accelerated. Are there any examples you can highlight that show that it has been done in a way that has not had the effect of excluding older people by moving online?

Helen Dobson: There are some good examples of some pilots that have been funded. Particularly, the one I am thinking about in relation to health is the Roxton practice up in North Yorkshire. They have used a digital ambassador scheme very well. There has been quite a good framework put in place for the NHS to ensure that digitisation is not further excluding or further contributing to health inequalities. At the Roxton practice, they have digital champions within their staff. It comes back to what we were saying about embedding that as part of services. That has been very successful. There are other pockets of good practice where, again, you have digital champions on your teams who are there to support people to use that service at the point of access. The Roxton practice is one of the better examples.

Q107 **Dame Jackie Doyle-Price:** That is the exemplar, is it?

Helen Dobson: It is in health, yes.

Lia Nici: I have to endorse that, being a patient.

Helen Dobson: I did not know that, but I know that they do a good job.

Q108 **Dame Jackie Doyle-Price:** Perhaps we need to take that as a case



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study, then. Actually, from my perspective, I find that the shift has been very rapid and very dehumanising. For those people who are not familiar and are not comfortable using it, it is a quite hostile environment. We talk about it being age discrimination, but now that my son has left home, I am lost. I would hand it to him and what he had to do was completely intuitive. I can only imagine—and I am somebody who uses technology on a daily basis for work. However, the rapidity with which you are expected to engage is quite a cultural change.

Emilene, do you have any observations about the extent to which it has been taken forward in a collaborative way that is designed not to exclude?

Dr Emilene Zitkus: Yes, I like the example very much. The fact that you embed support within the service is very important. We have been using the term “equally satisfying alternatives” because those who can use it very much like the online service because it is quick and we can do the task in one go. We have feedback and we can know that the driver is five minutes away or the form that we are completing has been sent. That is what is satisfying. Bringing that to other forms of support, whether it is in person or community-based is very important.

I think the example of the libraries can be very interesting. There was a very interesting project by the Oxford Internet Institute, where they analysed the libraries in Oxfordshire—the local libraries. They were looking at the service provided by the digital helpers and there were three important elements in the service: first, being a face-to-face service; and, secondly, being a service that people trust. It is interesting, because the project wasn't focused on people aged 65-plus, but the majority of people using the library are people who are 50-plus. People trust the service, or it was recommended by the GP, or by the local authority, or by the jobcentre. That makes it trustable. And the other fact was that it is free—the online service and the devices.

It is a model that could work. There are elements missing there, and in the study they highlighted that, for example, more people are necessary—more trained people to be digital helpers—as well as more devices and more resources, because that would impact on the time of the sessions.

I was talking about things being equally satisfying, and we like to do it in one go. We do the task online in one go. But there are several case studies that they presented in their project that show that people who went to the library were not able to do the task that they were there to do in that 30-minute session. For example, retired people might go there for a bus pass, because the only way of doing the application is through an online service, or to change their address. If they moved to an assisted facility and had to send to change their mail address, but the Post Office said it has to be online, or even for their council housing—all those essential services are online.

They go to the library to use the internet, but that 30-minute session is not enough, because perhaps they don't have an email account and they



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use their 30-minute session to open one. In other cases, it wasn't even possible to open an email account, because people didn't have a mobile phone and you need a code to be sent to the mobile phone to have two-factor authentication. It's quite complicated for someone without digital skills, but that's not the point. The point is that you have that 30-minute session and you did not complete any part of the task that you would like to complete.

An equally satisfying alternative is really important. Building more on the service provision would be very important to allow people to use the services in a dignified way.

- Q109 Dame Jackie Doyle-Price:** That brings me to Gillian, because the truth is that local authorities is that a lot of the drive has been about savings in a very financially challenged environment. Although local authorities have broadly recognised that they need to make their services accessible and they build in those provisions, they are still going to be constrained by resource, aren't they? And if we look at things like delivering that support through libraries, libraries are probably top of the list of facing challenge from local authorities. So, does the financial environment that local authorities are currently facing make all this much more challenging?

Cllr Gillian Ford: Very much so. My own authority has been one challenged in section 114 territory.

- Q110 Dame Jackie Doyle-Price:** You're next door to me, so I feel your pain.

Cllr Gillian Ford: We won't go there in this discussion. Obviously, you'll have your private funders, but you'll also have those that require social services and support in that way. We need to make sure that people get a fair allowance if they are on benefits, so that they are in a position to be able to fund that themselves in certain areas.

However, as a local authority, we need to ensure that we have that funding available to support and put in the right set of needs and requirements, be it new equipment or updated equipment, even down to the software packages and the forms and the expectation that Government have of us in doing this online.

How accessible is it for the service user, as has been identified? Something may be in a PDF format; well, how do I transfer that into a usable format? How do I get a tick in that box? Simple things can be made very complex and difficult, and unnecessarily so. It is bad enough for me to try to do it; let alone someone who has not got the know-how.

- Q111 Dame Jackie Doyle-Price:** Recognising that challenge, is the LGA doing anything to share best practice across local authorities? Obviously, there is no point reinventing the wheel if one local authority has a good initiative that is good value for money.

Cllr Gillian Ford: We have had the digital inclusion programme. Ten models have come out of that; we are more than happy to share the stories that have come out of that. Let me give the example of Middlesbrough, which works with Age UK. It works with people who are



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older and who have disabilities and gives them support in how to improve their ability to access services on the internet. It gets them out of that isolation and loneliness as well. Shropshire has introduced support for residents aged over 65 and has been working on skills and confidence. It has also introduced the “digital champion” model, which is helpful. We have heard it mentioned already. That could really work. We have local authorities that are set up in different ways. We have unitaries and metropolitan, and we have the two-tier systems as well. Where is that point of contact if you are overseeing? If we are working on that partnership and place-based model, where is that one point of contact to ensure that digitalisation and exclusion are part of the conversation?

Q112 Dame Jackie Doyle-Price: I see the value in having a digital champion and a single point of contact, but that could be a tickbox exercise that does not deliver. Within the organisation, there still has to be a culture of giving a damn, doesn't there—and rightly?

Cllr Gillian Ford: Absolutely. For example, I have been signing off for a telecare system this week. It falls within my remit as the “adult” member, but it involves my colleague in “housing” because this impacts housing. It is in with “region” because we want to ensure that the new properties we are developing have the broadband and the technology to be able to deliver it. It is covering a multitude of areas, and it involves our health partners as well.

Helen Dobson: We work with many local authorities at Citizens Online. There are some great examples: Digital Dorset; the Mayor of Greater Manchester has put funding into this; West Yorkshire; 100% Digital Leeds; and Brighton. We see these pockets of really good practice and I think the will is there. The people we talk to—the practitioners—recognise the barriers and do not see it as just a tickbox exercise, but it is not a statutory service for local authorities to do digital inclusion work, so it is constantly under threat, as you said. With budgets being squeezed, we are just seeing less and less resource to fund these initiatives because somebody has to own it. As you rightly said, Gillian, the outcomes from digital inclusion can support every major agenda of a local authority, but somebody needs to own it and hold the ring otherwise it does slip through the cracks; that is our experience.

Q113 Dame Jackie Doyle-Price: I was struck by something you said earlier. Reference was made to local newspapers. Thinking back to when I was elected 14 years ago, I used to have two local newspapers that went through every letterbox. The local authority used to use both of those newspapers very well as mechanisms to consult the public with. You would have things to tear off that you could send back to respond to surveys and so on. They have gone. They have gone completely. They have been replaced with online versions, but it is a very different sample of people who engage in that way. It was the statutory local authority notices that kept those newspapers going; that funded objective reporting whereas now you have clickbait. It tends to be overlaid with comments. It just strikes me that this is totally changing the environment in which we engage with citizens online. I do not know whether Citizens



Online has done any work to reflect on that.

Helen Dobson: We are solely focused on digital inclusion. How local authorities consult with residents is not something that we work on directly. We do work with local authorities, and I know that they engage very much with voluntary and third sector organisations to make sure that they are getting that diverse range of voices to feed into their consultation notices. That is my anecdotal experience, and, like I say, Citizens Online does not directly get involved with that, unfortunately.

Q114 **Carolyn Harris:** I have been sitting here thinking about everything that I use technology for, and I do not think that I could live without technology. I do my banking through the phone, and I use it for ordering my groceries, renewing a passport and applying for a visa. I then think about the things that people have come and asked me personally to help them with, such as renewing bus passes. Sometimes, the fear seems to be around a lack of equipment, and the broadband problem, but most of it is around the fear of how things appear: "Should I press that button?" "What happens if I press this button?"

How much do you think that designers of these pages are taking into account that older people are maybe not used to that language—the kind of technological terms that we use—and all of these passwords that we have got to remember? It is daunting, but less so when you are used to doing it. I wonder how much attention is given by those who design these sites to people who may not be so used to it.

Dr Emilene Zitkus: That is a very interesting question. I think we are talking about experts who are designing technology, and they are expert users of technology, so they do not see the problems from having low digital skills. This is part of inclusive design. What we say, as part of inclusive design, is to embed in the design process the contact with people, and in this case that will be people with low digital skills.

I do not think that that is happening, because there are some simpler steps for best practice in inclusive design that are not followed. For example, the web content accessibility guidelines—WCAG—have been available for a while now. There are basic elements in those accessibility guidelines—such as making the contrast high so that text is legible, using certain types of icons, making the layout consistent, and allowing apps to set accessibility without losing the layout—that, unfortunately, are not embedded in several of the private commercial apps to be used.

There is also the possibility to think about other adaptive technologies. The NHS app is a good example because it allows you to use fingerprint technology. Instead of going through inputting your email address and password, then getting a code, then inputting the code, you can do it all with a fingerprint. However, do they have a mobile phone that allows them to use their fingerprint? That is the other thing—that fingerprint set-up in your mobile phone.

So that is the reason that inclusive design is not about one solution that fits all but actually about several multiple solutions that could attend to a



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different range of needs. That is why I was talking before about alternatives that are equally satisfying, because it should be about other ways to use the service, and not only online, if that is the case.

Q115 Carolyn Harris: My friends complain that getting their parents even to answer their mobile phones is a task in itself, never mind getting them to use them for anything other than a phone call. They won't even consider texting as a means of communication, so it is a challenge. But when you think of some banks, for example, that are only on an app—there is no physical presence—have they got particularly good apps or good methods of communicating, or are they not targeting older people? Are they only targeting young people as customers?

Cllr Gillian Ford: I do my parents' banking for them, via the app. That is great, because they have somebody there to do it for them, but there will be those who do not have family or friends who can do that for them. There are challenges around that. The obvious thing would be to go to a different bank where you have a different option, but those banks may not be available, because hours are getting shorter and shorter. Rural communities absolutely have lost a lot of those opportunities.

The technology has moved to a better place. To use my mother again, she has an Alexa. She can say, "Alexa, call Gillian," and Alexa calls me; I can see my mother and we can talk. But when it comes to a form, we are at a different ballgame; you are then having to do some typing. Somebody who doesn't do typing has to find where the I is and then find the A, and then they are timed out. The systems have to be accessible. They have to give a timeframe for those people who can't do it.

I guess working with people with disabilities would help with people who are older, because things are modelled around supporting people with disabilities and those vulnerabilities. That might be one way of looking at things in a different way with the providers and the forms: "How would somebody with a disability be able to complete this?" That might be another consideration.

Helen Dobson: We work with Triodos Bank. It has funded us basically to provide a phone line for help, and some of the other major banks do as well. Lloyds definitely has a digital skills helpline, and I think Santander does as well. Triodos has recognised the barriers. It is online-only, and the customers we are helping are those who opened bonds years ago and now need to transition. The bank itself has recognised the issue, and we have done work with its development teams, who design the apps and technology, to raise awareness of digital exclusion and the scale of the problem. That is helping, but the tension is with the security requirements that they have to meet, which make it difficult for them to not have things timing out and so on. As I say, they have invested in that additional support for people, which has helped, but it is still not ideal.

Q116 Carolyn Harris: Does anyone have good practice? Are there any banks or other organisations about which you think, "They really understand this, and they're working hard. That should be shared among other people"?



Helen Dobson: I can only speak from our experience. As I say, we think that Triodos has done an awful lot. It is a Dutch bank, actually; it is an ethical bank. It has never been on the high street. Like I say, and it has invested in remote support—this helpline—and in training its internal teams to raise awareness of the barriers. I think that that is a good example. Lloyds and Santander have helplines where you can get help as well. Obviously, the banks with high street branches should have help there as well, but, as Gillian said, they are closing those in rural areas—that is well-documented—so we are back to having a problem if you are rural, have mobility issues and do not have the modern technology. For security reasons, these apps will work only with phones of a certain age, which is a constant problem.

Q117 **Carolyn Harris:** I remember that my mother, not long before she passed away, became obsessed with whether her money was safe. She could not find her bank card or her cheque book, so we phoned the bank. They asked a simple question: “What’s your national insurance number?” My mother couldn’t remember it. I was on the phone, and by the time I came off the phone I felt as if I was a bank robber. We had to close that account and reopen another account to get access. It was horrendous.

Would you like to see something in legislation that makes people actually think about what a digital platform might look like for someone who may not necessarily be older, but who has some kind of disability, impairment or disadvantage that stops them understanding it easily and accessing it quickly?

Helen Dobson: There is legislation on accessibility standards, but we would say that it doesn’t go far enough. It is a start. As Emilene said, testing these products with people who don’t use the internet every day will give you much better inclusive design as a starting point. We have seen examples of people starting to think along these lines, but it is not particularly easy to do. If people aren’t keen on technology and you say to them, “Come and test this new app,” they don’t rush to get involved, sadly. It is hard to do, but that doesn’t mean it can’t be done. We would like to see the legislation go further because you will get a better design from it.

Q118 **Carolyn Harris:** What can we do as individual MPs, or collectively as the Committee? Should we be contacting banks and saying, “How aware are you of this issue?” Surely they must know that they have a problem that they should be addressing.

Cllr Gillian Ford: I guess it is down to finance too. They are reducing their costs and their branches, and accessibility is changing. I think society is changing per se. Local authorities are using technology for car parking. If you go and buy a ticket, you can use an app now. You can use RingGo or ring through, but not everybody has that facility, so what cash options are there? Local authorities don’t want to put in cash machines because they get broken into and you have to employ staff to empty them. There are cost implications for all these things.



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We are in a transitional time. I was born in the early '60s, and we had manual typewriters to learn. I graduated on to the electric in my very last year at school, so I was in the early days. We have a cohort of people who haven't been exposed to any technology, so it is that much harder. We are in a transitional period, but the younger generation are doing it at playschool and at school. That is the issue. Within this period of time, how do we support people who don't have those technologies?

With car parking, we have introduced a top-up card that you do in a shop, so people can still go and pay by cash in a shop, and they can use that card to tap on the machine. That takes learning. People absolutely still want to use cash. They think they have their money in their pocket.

Q119 Carolyn Harris: When they changed the bus passes in Wales a couple of years ago, you needed to go online to do that. I sent my husband round the old people's complexes with his telephone to help them; otherwise, they wouldn't have had their bus passes. That is the kind of practical thing we can do, but is there anything else we can do in the way of lobbying? Should we write to every bank and say, "Get your act together"?

Helen Dobson: It is not just the banks. To come back to the point that Gillian made about this generation who have never used tech, I don't want us to fall into the trap of thinking that young people are just fine, because as Emileene said earlier—

Cllr Gillian Ford: It is access too.

Helen Dobson: Yes, and as technology changes it demands more from us, so we need to embed lifelong learning. The panel before was talking about culture change, and that is a thing too. Digital skills are not something that you just do a course on and then you have got them; they change all the time and you have to keep up with them. It is about embedding that.

It is not only the banks. If you are providing a digital service, providing help to use it should be part and parcel of it but, as Gillian says, it needs to be funded. That would go some way to alleviate the problem.

Q120 Carolyn Harris: Would this not be a good reason for having an older people's commissioner in England? We have them in Wales, Scotland and Northern Ireland, as we heard. Would this not be an issue that a commissioner could take up and champion?

Helen Dobson: Absolutely, yes.

Cllr Gillian Ford: I think so, but it is also about ensuring there is financial resilience. It is clear that poverty is one of the causes of people being excluded, so it has to do with the Treasury as much as with a commissioner.

Carolyn Harris: People don't claim pension credit because they don't know how to do it if it is digital. It all comes around—it is cyclical, isn't it?

Thank you very much.

Q121 Chair: There is nothing more boring than somebody who says, “When I was a Minister...” Six years ago—possibly more than six years ago—I was the Minister for the Government Digital Service, and the mantra that was used then was that if you are developing apps, in particular, for Government services, you had to design them for somebody who had learning difficulties, because then they would be intuitive and everybody would find them easy to use. Would you say that that has been successful for the services that the Government delivers digitally, or is there no evidence of that at all?

Helen Dobson: I think the ones I use personally are pretty good. The ones for renewing your car insurance or the passport ones are good, but it is about having a choice and making provision for people who are more vulnerable and who may struggle with those services. As a general rule, the GDS standard is pretty good, but as we have pointed out, so many services are online now. It is not just about the Government services; local authorities have different ones. Obviously, private companies are involved in that too; it is not just all designed in-house. It could be broader across the board, but in general the GDS guidelines are very good.

Chair: Thank you. That is quite reassuring.

Dr Emilene Zitkus: I agree. The only thing I would like to add is that, for security purposes, we always add something else. For example, you have an email account and a password, and you get another code through your mobile phone, which you have to check. You might be a bit scared: “Is that a link? Should I click it?” That can be a challenge for people with low digital skills.

Learning digital skills is a process that requires a lot of cognitive memory; cognitive load is very high in that process, and if your memory is not as good as before, or if you are losing other capabilities—which, unfortunately, is likely to happen as we age—those compounding elements of ageing can be challenging even if the service has been well prepared. For that reason, it is good to involve people of a certain age with very low digital skills in the design process, even though we still need more research on the requirements for the cognitive load of using online services. That requirement is not clear.

Cllr Gillian Ford: On the Government Gateway, you click to get one thing but you then have to put your long number in.

Chair: Tell me about it! I am fully conscious that that is not easy.

Cllr Gillian Ford: Then you click on something else and you have to go back to the code again. It is a problem when people have to put in codes; there is that dialback where you have to go to your phone to get the number, but you do not necessarily have a phone so you wonder what alternatives you have. I am pretty IT-literate; if I struggle, it must be



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incredibly difficult for people who are not. It is about simplification: how can we make things simpler?

Helen Dobson: There always needs to be an offline option. There will always be people who cannot do this. As we said, they might be people who find themselves isolated and do not have anyone around them to help. As we have all said and experienced, a lot of people are doing these things online because they are being helped by somebody who can do it for them; otherwise, they would not be able to do it.

Q122 **Kate Osborne:** Afternoon, everyone. Gillian, you touched on the level of service for rural broadband compared with that in urban areas. We have talked about the role that local authorities play, but how important is Government support for rural broadband in tackling digital exclusion in older people?

Cllr Gillian Ford: It is crucial. I have seen that there is another roll-out of some gigabytes in Hertfordshire, Berkshire and so on today. It needs to up-pace so that we have that availability. Only last week, I heard that a GP surgery had closed purely because they could not get access to the internet. That will have an impact on older people there, because older people generally need more of the health services. The impact is broad and goes across the whole system. It is not just about digital exclusion.

Q123 **Kate Osborne:** That is interesting. I, and perhaps other MPs in the room, receive emails from constituents saying that they are struggling with doctors' appointments, because the only way they can book them is online. I have found that from personal experience as well. It is a real problem. Helen, can I ask you the same question?

Helen Dobson: I echo Gillian. It is vital that we get this cracked. We work in Gwynedd in north Wales, where there are huge problems with connectivity. In some of the other areas I have mentioned, such as Derbyshire, North Yorkshire, and West Sussex, where we are working at the moment, there is still not enough coverage. There are still blank spots where people cannot get access. The House of Lords Committee looking at the impact of the cost of living on digital exclusion was touching on this issue. A lot of the rural areas are being connected by the smaller providers. There is a risk of some of those going under; if that happens, we will be back to square one. I think that a recommendation of the previous inquiry was to review the impact of the roll-out in terms of the smaller providers that are doing those more rural areas.

Q124 **Kate Osborne:** What is your assessment of how effective Project Gigabit is in relation to older people? Do you have any data around the take-up?

Cllr Gillian Ford: I do not have any data. We could take that away and see if we could provide some for you, but I do not have any to hand.

Dr Emilene Zitkus: I don't have any, but I would like to add a little bit on the rural areas. The latest report from the Chief Medical Officer, Chris Whitty, in 2023 highlighted the emigration of older adults from urban areas to semi-rural and coastal areas. In the coming years, that could be a

huge challenge, considering connection and the provision of help in those areas. On Project Gigabit, we can follow up on that.

Q125 Kate Osborne: Lots of witnesses have noted that the Government's digital exclusion strategy has not been updated since it was published in 2014 and is overdue a refresh. What should an updated strategy include to better tackle this?

Cllr Gillian Ford: You have to involve rural and coastal communities so that they are part of the conversation. You need to look at combined authorities and get them part of that conversation, and the urban local authorities too. You have to look at the whole lot, but rural and coastal absolutely need to be part of that, because they are the ones that are impacted the most.

Q126 Kate Osborne: I will ask the other witnesses the same question. Before I do, Gillian, can you tell us whether the LGA has had any discussions with the Government about updating the strategy or the availability of funding?

Cllr Gillian Ford: We are really keen to work with the Government on updating this. I am not aware that conversations have taken place to date, but we are there, ready and waiting.

Helen Dobson: We want digital inclusion to be a statutory service. Like I say, that needs long-term funding and thinking around it. More needs to be done in schools to make basic digital skills better part of the curriculum, so you are starting from an early age. If you are providing digital service, then providing support for tech and helping people to use it should be part of that. More can be done to encourage recycling of e-waste, like phones and laptops. There is a bit of this work going on, but more needs to be done to get recycled devices out to people in need. There also needs to be better legislation around how older devices are supported. Technology is moving really quickly, so people constantly need new devices to use essential services. If more could be done to look at that and extend the longevity of these devices, that would be great, because it is a constant drain on families' finances.

Q127 Kate Osborne: The point you made earlier about there always being an alternative when it falls down is quite key.

Dr Emilene Zitikus: That is what I would emphasise—the provision of an alternative. There will always be the risk of being excluded, because technology changes. We in this room might not be as connected at a certain age as we are now, and the speed of technological change and interaction is really high.

Look at certain new devices like Apple Vision Pro; it changes the way you interact completely—it is a blended physical and digital environment. I am not saying that will become mainstream, but if that becomes a way of interacting, and interactions are designed to feature that new way, are we going to be able to use it? Having an alternative is very important and should be in this strategy.



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I think the strategy in 2014 was very much about giving access, and that provision for the impaired has been put into online services, into business and so on. Now I think the focus should be on digital skills and how we are doing in that area—on people not only having access to the smartphone but being able to use it.

Helen Dobson: In the 2014 strategy, the only real bit around skills talks about libraries as the point of access. Again, as we said today, they are important, but there needs to be more than that. If we think about how that has not changed in 10 years, that is a good reason why people's essential digital skills have not shifted either. There needs to be more variety of provision, but again this comes down to funding.

Kate Osborne: Absolutely—think back to about 10 years ago, and how quickly things move on.

Q128 **Chair:** I am not sure how to phrase this. I am really interested in the private sector and how well they are responding. I just wanted to chuck out there an experience that my elderly father had. He broke down on the motorway and could not get through to the AA by telephone; the recorded message told him to go to the app, and that struck me as an absolute case in point. Elderly people are comfortable with the phone—they have been using the phone for decades—but, of course, he did not have the AA app on his smartphone, so he was sat on the side of the motorway trying to download an app to his smartphone late at night. Is there evidence of that sort of shift, where people cannot even call anymore?

Cllr Gillian Ford: I think there is a lot of that. From my own experiences with apps—using car parking as an example—you go to one town that uses RingGo, and to another one that's using PayByPhone, and so on. You think, "I haven't got that app," so it is very frustrating.

Chair: I think the Government are doing something on that, aren't they?

Lia Nici: The Government are. They will all have to use the same system.

Cllr Gillian Ford: Hopefully. But that is the scenario: there are so many different apps for different things. Then you use up all your storage and data on your phone because you've got a multitude of apps. Things need to be simplified wherever possible to unify them under one app. That could involve multiple organisations and companies.

Helen Dobson: It is always the most vulnerable who will be impacted, so there always needs to be that alternative provision. You gave the example, Emilene, about cognitive load. On a good day, somebody might be able to cope with downloading an app, but say that you are in a crisis situation—that is going to compound the process and prevent you from having the ability to do it. There has got to be an alternative at all times.

Q129 **Lia Nici:** My background is in further education, and I was tasked one year with working with over-50s to help them to become digitally confident. I went to see other models and realised that what was actually



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happening—all those years ago—was terrible. People were put in a room full of computers and they had a green sign or a red sign, depending on how well they were doing. Well, of course, everybody had a red sign. There were not enough assistants to go round and help everybody. So anybody who went in there and was fearful of digital went out even more fearful.

Do you think that we need to talk to training organisations to educate them as well? It seems to me that digital is a tool. If you want to use a hammer, you don't go to the hammer and say, "I'm going to learn how to use you, even though I don't know how I'm going to use you, and it's probably not going to be very enjoyable." Actually, you use the hammer as the tool to do the thing that you want to do. Sometimes it's enjoyable and sometimes necessary. Do you think that we need to think differently and get organisations to think differently about how we make digital inclusion interesting so that that makes it less threatening?

Helen Dobson: Yes, definitely. We have five years of evidence from the One Digital programme, where Citizens Online worked with Age UK, Digital Unite, the SCVO and Clarion Futures, and it's all about digital champion learning methods. In learning digital skills, you need to start by finding out what interests the person, because digital is as wide and broad as we all are as people. Start with that—start with something interesting—and then they will start to use it every day, and then they will start to tackle the necessary things, as you have said.

If you have always, for the last 20 years, got your prescription from the chemist and you like the walk down there, that is not going to be the thing that hooks you into doing things online. As I say, whatever your interest is—watching football from the '60s on YouTube, knitting patterns or anything else—it has to come from that; I agree with you. Also, a lot of the people who are more likely to be excluded are, as we have said, living on a low income. They often have a low standard of education—often literacy is a barrier—and the idea of trotting down to a course where you do email this week and WhatsApp next week is not going to work. It has to be much more personalised. I definitely agree with that.

Cllr Gillian Ford: I would add that the equipment that you use may not be what you have at home. You might have learned something in one place, but it may be totally different elsewhere. How do we overcome that barrier of people having their own equipment? It comes down to cost again.

Chair: Thank you very much. If any of the witnesses would like to add anything in writing, please feel free to do so.