

Women and Equalities Committee

Oral evidence: The rights of older people, HC 132

Wednesday 17 April 2024

Ordered by the House of Commons to be published on 17 April 2024.

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Members present: Caroline Nokes (Chair); Dr Lisa Cameron; Dame Caroline Dinenage; Kim Johnson; Kirsten Oswald; Bell Ribeiro-Addy.

Questions 165-237

Witnesses

I: Alice Gould, Head of Complaints, Independent Press Standards Organisation; Kate Biggs, Director of Public Policy, Ofcom; Malcolm Phillips, Regulatory Policy Manager, Committee of Advertising Practice.

Examination of witnesses

Witnesses: Alice Gould, Kate Biggs and Malcolm Phillips.

Chair: Good afternoon and welcome to this afternoon's meeting of the Women and Equalities Committee, which is a further evidence session on the rights of older people. I thank our witnesses for attending this afternoon. We have Malcolm Phillips, the regulatory policy manager at the Committee of Advertising Practice; Alice Gould, head of complaints at the Independent Press Standards Organisation; and Kate Biggs, director of public policy at Ofcom. As usual, members of the Committee will ask you questions in turn. They will usually indicate which witness they wish to answer, but if at any point any of you wish to come in on a question that has not specifically been addressed to you, please feel free to indicate and I will bring you in.

Q165 Kirsten Oswald: I will ask you all this question in turn. Could you outline for us the extent to which you think your own organisations would accept the prevalence of ageist stereotypes in advertising and the media? Is it a cause of harmful ageism in wider society? How alive do you feel you are as industry watchdogs to the issue, and have you taken any steps to tackle the use of ageist tropes in the media and advertising? That is quite a lot there, but hopefully you can get quite a lot out of it.

Malcolm Phillips: As a regulator, the Advertising Standards Authority is subject to the public sector equality duty. We take seriously our responsibility to play our part in helping to eliminate discrimination on grounds of protected characteristics, including age. In choosing when and how to intervene in matters of social policy, we have to be mindful of our bounds, and strive to achieve a balance between fulfilling our duty under equalities law and avoiding the perception of overstepping or social engineering. The good thing is that our existing rules and guidance already provide a robust framework within which we can address ageist stereotypes in advertising that might harm or offend.

We receive a small number of complaints about ageist stereotypes in advertising, but the advertising codes recognise the impact of harm and offence caused on grounds of age. Presently, we are actively considering the grounds on which we might do more this year to help protect older people, through research and targeted enforcement work. I have more details on work that we have already done, but I will leave it at that for now.

Kate Biggs: At Ofcom, we recognise that UK TV and radio has a huge propensity to perpetuate negative stereotypes, and also to do tremendous good and reflect older people in all their diversity. There are a few things we are doing to make sure we understand that. We have a huge research programme to understand what different segments of audiences are doing and what their attitudes towards the TV and radio services they enjoy are. We also hold the public service broadcasters and particularly the BBC to account for how well they are serving all audiences, including their older audiences. We also design and enforce some minimum standards to

protect against the most egregious, harmful and offensive content. Those are the main areas that may be relevant to the Committee's consideration.

Alice Gould: First and foremost, it is really worth recognising the work this Committee and the groups have done to develop and open up conversations about age in ways that have not been done in previous years. IPSO is alive to issues of ageism broadly across society, and recognises that the media, and newspapers and magazines, are actors within this space.

On the stereotypes within the news, it is important to recognise the landscape of news, which, now more than ever, is a direct conversation. That is particularly true in this age of media, which is more two-way than one-way, with readers and members of the public being able to influence journalists, as well as journalists, who are members of the public themselves, being able to influence their readers.

We have also met with groups such as the Centre for Ageing Better, and as a result of that productive meeting, have started monitoring complaints that we receive about age. Similar to Ofcom, those are quite limited in number, but it is good for us to review them and look for patterns. We have also promoted resources on our website from groups such as the Centre for Ageing Better so that journalists can look at those resources and have them in mind when writing stories.

Q166 **Kirsten Oswald:** Thank you all for those answers, which were very helpful. Going back to the question I asked initially—I am sure this is my fault for throwing so many words at you to begin with—I would be grateful if you could each answer my initial question in a couple of words. To what extent do your respective organisations accept that the prevalence of ageist stereotypes and advertising in the media is a cause of harmful ageism in wider society?

Malcolm Phillips: I think the reason I gave the answer that I did, and sorry for—

Kirsten Oswald: I am not unhappy with your answer, or suggesting that—I am just trying to get to the crux of this.

Malcolm Phillips: The reason that I am framing it in that particular way is that when it comes to social policy, we really have to consider our narrow remit as an advertising regulator. When you talk about harmful ageism in wider society, we will obviously consider any and all evidence that shows that advertising has a role in that, but we do not really have the competence to address wider societal issues around ageism. We will talk to the experts and consider stakeholder input in formulating policy that is relevant to our remit. I cannot really talk about the root causes of harmful ageism in wider society in that way, partly because we have not really been provided with a lot of evidence on this. We have had a lot of evidence to consider on some other areas connected with stereotyping, but not so much on age.

Kate Biggs: Similarly, we don't have evidence around that cause and effect point, but our work on portrayal and representation has revealed how complex issues of identity are. As, year on year, we improve the data we collect from broadcasters, and we understand how issues of age intersect with issues of gender, ethnicity and even regional location and socioeconomic wherewithal, that is a focus for us in our work—understanding the exact nature of the audiences who might feel left behind, both in terms of their TV and radio services and more widely in communication services.

Alice Gould: I would echo what previous witnesses have said. In our capacity as a regulator, we don't have that evidence ourselves. But again, I would reiterate the two-way conversational nature of news and media, and particularly newspapers and magazines.

Q167 **Kirsten Oswald:** Thanks for that. I will ask this next question of Kate first. To what extent do you think a relative lack of age diversity in the media workforce is a concern? What is Ofcom doing to try to deal with that?

Kate Biggs: As you know, we have a responsibility to promote equality and diversity in the broadcasting workforce, and currently the representation of older people is below the population average. We have seen some improvements over the years we have been undertaking that role—over the last seven years—in our reporting data, and there are variances in terms of positions and level of seniority, where you see greater representation of older people than in the more junior positions. You see differences by genre allocation.

I think it is quite dynamic, and that is why our work continues to be really important: gathering information on an annual basis and publishing that; making sure that we are being transparent; and engaging with a wide range of stakeholders on what the underlying causes might be. Age is certainly a factor in our ongoing work, although our current priorities are employees with disabilities and representation from certain ethnic groups, which we see as priority concerns at the present time.

Q168 **Kirsten Oswald:** You obviously collect significant data to try to assist you with the work that you have just outlined. Do you collect data on age diversity in Ofcom?

Kate Biggs: Yes, we do. Although that is not one of the mandatory characteristics, our response data is pretty good. I think we have over 90% around age. On some of the other non-mandatory criteria, such as the socioeconomic and geographic, we would like to further improve that data, which goes to my point about how these factors interrelate.

Q169 **Kirsten Oswald:** To be clear, are you talking about data relating to Ofcom staff members—

Kate Biggs: The broadcasting industry, so our responsibility is around broadcasting. It does not extend to freelancers but focuses on broadcast

employees. We work closely with the Creative Diversity Network and the project Diamond work, which collects data around freelancers.

Q170 Kirsten Oswald: I put the same question then about that relative lack of age diversity within your own field. Is that a concern and are you collecting data in relation to that? Can I put that first to you, Alice?

Alice Gould: We aren't collecting data and that does not fall within IPSO's role as a regulator. However, we are really interested to see the Committees findings on this point and to encourage diversity, including diversity of age in journalists generally. We know that the NCTJ has done some work on this. In a 2001 diversity report, it found that, in terms of age diversity for journalists at both ends of the age spectrum, journalism is less in line with the UK workforce proportionally—that is both for journalists under the age of 25 and those who are over 50.

Q171 Kirsten Oswald: Thank you for that. Malcolm, the same question to you.

Malcolm Phillips: Like IPSO, our remit does not extend directly to matters of employment, but we know from previous experience that the decisions we make about the content of advertising can stimulate discussions about the importance of diversity in the room where decisions are made about creative approaches. The system can have significant impact indirectly, but we do not hold data of the kind that you are asking for.

Q172 Kirsten Oswald: Thank you for that. I have a final question to you, Kate. We are aware of Ofcom's annual report on EDI in TV and radio, but there does not seem to be very much analysis of age diversity. Why is there not a greater focus on age and is that something that Ofcom would consider being more focused on in future EDI reports?

Kate Biggs: We are certainly very happy to look at that. We have been collecting data for about seven years around the broadcasting industry on a range of factors, as you suggest. Age has not been a prevalent concern based on the evidence we have collected, partly because older employees are relatively well represented in the more senior positions. That is not to say that improvements cannot be made, so we are very happy to look at that. As I said, our priority concerns at the current time have certainly been around disabled employees and those from certain ethnicities, including south Asian.

Q173 Chair: Staying with those priority concerns, we have heard that age is not one, largely because senior roles tend to be occupied by older people. Do you ever look at the intersectional factors there and whether those senior roles are occupied by old men or older women?

Kate Biggs: This is exactly it. We are concerned with looking at how some of these factors are interrelated. This year, we have started to bring together datasets around regionality as well as age. As you say, if what we are seeing is a pattern of senior positions being occupied by a more homogeneous group, that is of concern. To date, we have actually seen improvements across a range of factors, particularly at entry level. Our

focus has been on some of the retention and progression stats for those less represented groups.

Q174 **Chair:** I am thinking particularly of a phenomenal campaign by Nicky Clark—the Acting Your Age campaign. She always made the point that in our television and media, older men are perhaps seen as silver foxes, whereas older women—by which I mean those of us who are over 40—are seen as past it. Do you ever look at any specific work on that issue?

Kate Biggs: We have particular duties around the BBC's portrayal and representation, and we raised concerns in 2018 about the under-representation of older women on the screen. We have seen some improvements since then. The BBC have had a number of initiatives under their diversity and inclusion strategy to improve their on-screen representation and portrayal. They are now at the end of some of those initiatives, so we will be looking closely at their next strategy.

Q175 **Chair:** Have they given you any measurables on that and on how successful those initiatives have been?

Kate Biggs: How they are measuring success has been one of our challenges to them. As you know, portrayal and representation are quite complex. You may not identify just as an older woman; you may have a number of other factors that are really important to you in how authentically and how well you feel you are represented. Our data, both in terms of our BBC reporting and our more general attitude and our research around TV and radio, is hopefully really important in informing the debate about where broadcasters can do better.

Q176 **Chair:** Thank you. Alice, I think you made the point that IPSO gets a very small number of complaints about how older people are represented in the media. Malcolm and Kate might want to dwell on this question, too. When you are considering older people, do you put a cut-off age on that? If so, what is it?

Alice Gould: We have very recently—from November—started monitoring this. I am not sure exactly what sort of cut-off age we have. I think it is really considered more holistically. It is done by a different team, but I can check that and come back to you if that would be helpful for the Committee. Generally, from the ones I have looked at, it tends to be a more holistic point, and age is just a factor generally. I think I am right in saying that it is more about age than older people, but as I said, I can check and come back to you.

Q177 **Chair:** Kate, can you give us Ofcom's thoughts about what constitutes an older person? Don't smile, Malcolm—I'm coming to you next.

Kate Biggs: In terms of our research, we tend to break up the categories, so it is over-75, then 65 to 75, and 50 to 65. We tend to break it up into 10 to 15-year intervals. That is a very rough approximation, as I say, particularly given the other factors that are relevant.

Q178 **Chair:** Okay, thank you. Malcolm?



HOUSE OF COMMONS

Malcolm Phillips: We don't have a definition for older people or old people. We have spent quite a lot of time thinking about definitions at the other end of the scale, because a lot of work about online protection is for children of various ages.

In advertising, stereotypes tend to be rather pronounced. If you look at ageist stereotypes, I don't think the kind of subtleties you are talking about would come into play that much. We have relatively little to go on here, but I would say that we would be looking at people who are significantly older or significantly younger. I do have a case study that I can tell you about.

Q179 **Chair:** Go on.

Malcolm Phillips: I think it might speak to some of what you are talking about, in terms of intersectionality and intersecting characteristics. It is about the intersecting characteristics of age, race and gender. In 2014, we received complaints about a poster that featured an older white woman sitting on a sofa alongside a younger black man, which challenged whether the ad was offensive on the grounds of race and age by implying that an interracial and intergenerational relationship was socially unacceptable.

In the ad, the man had his arms around the women, who held an electronic cigarette and was looking directly at the camera. The text alongside the image stated: "No tobacco, no taboo." The ASA considered that consumers would believe the ad was representing a relationship between an older woman and a younger man from different ethnic backgrounds as something that was unusual or socially unacceptable, and therefore concluded that the ad was likely to cause serious or widespread offence on the grounds of race and age.

That illustrates something. From a relatively early stage of our thinking about stereotyping and advertising, it has been clear to us that it is very rarely a question of one characteristic. There is often an interrelationship in stereotypes between different characteristics.

Q180 **Chair:** Thank you. Alice, I want to come back to you with a particular concern about how the media portray menopausal women. You said that you had very small numbers of complaints about how older people were portrayed. How does that interact with older women? I hate to say that, because we are talking about women of 45-plus.

Alice Gould: Again, I echo comments relating to intersectionality. In particular, clause 12 of the editors' code—on discrimination—directly addresses issues related to sexism within the media, discrimination based on sex. I think those complaints could fall under that if an individual were being discriminated against because of their sex, or generally if there were more groups. If inaccuracies were to be written about them, those could also be complained about.

Q181 **Bell Ribeiro-Addy:** Following on from your last comment, Malcolm, do you think that age discrimination is taken as seriously in your guidance codes as other forms of discrimination are, including sexism, racism and



homophobia? If not, why not?

Malcolm Phillips: We take all forms of discrimination seriously. The question of relativity and weighting is really about the material that we have to work on in the complaints and about examples of advertising where we think there are serious problems to deal with. That is the only sense in which we would weight those differently from one another.

When we did our work on gender stereotyping, that was because we had a high volume of casework and stakeholder representations to go on. We commissioned some research on racial stereotyping a few years ago and, again, that helped us to inform some work on a relatively smaller caseload to identify ways in which advertisers could avoid causing harm or offence on the grounds of racial stereotyping. I come back to the point that on age, we just do not have as much to go on.

Bell Ribeiro-Addy: Kate and Alice, would you say that it is taken as seriously as other forms of discrimination?

Kate Biggs: Yes, very similarly. It is treated exactly the same in our broadcasting code and in our expectations around preventing harm and offence. Again, it is an area where we have not received huge numbers of complaints. However, we assess and treat every complaint on its own merits.

Alice Gould: Again, not very many complaints about this. We treat discrimination seriously. We are really interested in the outcome of this Committee's inquiry. We are very open to engaging with groups and subject area experts to learn more and reflect on our practices.

Q182 **Bell Ribeiro-Addy:** A lot of your work depends on people making complaints to you, but do your organisations take any steps to monitor age discrimination or against ageist tropes?

Malcolm Phillips: We certainly take steps to monitor advertising generally, including on grounds of harmful stereotyping. We do not rest purely on complaints. That is important to emphasise. We have talked a lot about receiving a small number of complaints, but that is not all I mean by having little to go on.

In some areas, we have multiple sources of intelligence about potential issues with advertising—not limited to complaints, but including stakeholder interactions, consulting, consultation with academic experts, media articles and published research—and with those aspects as well, there has been less to go on with age. That affects our ability to monitor proactively for issues in advertising, because we still need to have identifiers and markers that we are looking for when we monitor a body of advertising, and I just do not feel that we have as much as we would like to have on age right now.

Kate Biggs: I think our primary interest in this space is around public service broadcasting rather than the wider market, where there is,

rightfully, a limit in our role given the importance of freedom of expression.

For public service broadcasting, it is important that they collectively meet all audience needs and interests. To assure us on that, we collect a range of data, including people's attitudes and opinions about the extent to which those broadcasters authentically represent people like them. We keep it quite broad in that terminology, exactly for those reasons—that identity is complex. You may not identify as an older person, but you do think it is important to see people like you, however you characterise that.

We have been tracking that data every year in terms of the public service broadcasters' data. Specifically around the BBC, we do deeper dives on the extent to which they are meeting their public purposes around representing audiences. We publish that every November and then on the back of that pick up any issues that we think require further research and consideration and further discussion with the BBC.

Ageism and older people have not to date been raised. Our more recent one was about lower socioeconomic groups, which does include a disproportionate number of older people. I am very happy to provide the Committee with a copy of that report and our findings there about where we thought the BBC could do better in serving those lower socioeconomic groups.

Q183 Bell Ribeiro-Addy: Alice, does IPSO do any monitoring?

Alice Gould: Yes. As I have mentioned, our standards team monitor outside of those complaints, looking at patterns in complaints and things that have been raised. We generally are aware and keep on top of news stories and things that are being spoken about, even if we do not get complaints about them. In addition, as a result of the meeting we had with the Centre for Ageing Better, one of our advisory panels, a journalist advisory panel that runs every quarter, was on the topic of older people's representation in the news.

Q184 Bell Ribeiro-Addy: Malcolm and Kate, I know that your codes refer to prevailing or generally accepted standards when you are assessing whether or not content is offensive or harmful. What are the prevailing and generally accepted standards when it comes to ageist stereotypes and language?

Kate Biggs: There is not really an easy answer to that. We look at specific programmes and concerns raised. It really does depend on what was the language or the representation that was of concern, and whether there was any justification around that or mitigating factors in the context. It is very hard for me to answer in the hypothetical. There isn't a clear bar. I think we would consider each case on its merits.

We do some research to inform us, for example our offensive language research. We go out periodically to ask audiences what their views are on certain sorts of offensive language, because it does change over time—not



year by year, but as you look over 10 or 20-year horizons, people's tolerance for different language does come and go.

Q185 Bell Ribeiro-Addy: Malcolm? I have some examples for you both afterwards as well.

Malcolm Phillips: The threshold for an offence is serious or widespread, and we do talk about prevailing or generally accepted, but that is subordinate to whether or not something is likely to cause serious or widespread offence. Forms of serious offence might include advertising that mocks, humiliates or degrades older people or reinforces offensive stereotypes.

We advise advertisers to carefully consider language and imagery that they use in their advertising and to avoid generalisations about older people being senile or pitiable or incapable of carrying out certain tasks. There is both a higher-level threshold and more detail in terms of the kinds of things that we would discourage advertisers from doing.

Q186 Bell Ribeiro-Addy: Let me move on to the examples. How about stereotyping older people as frail or out of touch with digital technology?

Malcolm Phillips: Yes, I think so. That is something that we have considered in the past. I am not sure that I have details to mind, but I have something that might be relevant in a slightly different way, which was an ad about cryptocurrency investments targeted at people with pension savings. Out of touch with technology could well be an example of an offensive stereotype.

Q187 Bell Ribeiro-Addy: Kate: frail?

Kate Biggs: I am a bit loth to play through an example, because it would really depend on what the programme was and how it was presented. Was it part of a satirical show, where other views were presented? Is it stated as a point of fact in a factual programme? Our approach would differ depending on how it was presented and in what context, so it is hard for me to say. We do not ban particular words, but we say that if certain words are being used, caution needs to be taken by the broadcasters to ensure that appropriate protections are in place.

Q188 Bell Ribeiro-Addy: Those examples are probably more about, as you say, context than portrayal. Thinking about language, what about catastrophe language about an ageing population such as "grey tsunami" or "demographic timebomb"? I have never heard that one before myself.

Kate Biggs: I haven't either. Generally, we do not ban words or phrases. We are very much the post-broadcast regulator. That is our role. Challenging, controversial, difficult or offensive views can be expressed on UK TV and radio, but sufficient editorial protections need to be in place around how they are contextualised. That is how our broadcasting code works. If contributors or presenters use that sort of problematic language, it is the responsibility of the broadcaster to ensure that that is managed and presented in a way that does not breach our code, because we have a



range of regulatory tools we can use in response if they were to break the code.

- Q189 **Bell Ribeiro-Addy:** Okay. The same to you Malcolm, and again thinking about language, with other forms of discrimination there are some types of languages that in whatever context would be considered offensive. I suppose we are just trying to see when it comes to ageism whether there is a bar at which we know terms are being used offensively—things such as “old codger” or “dinosaur”.

Malcolm Phillips: It is difficult to see how those words could be used in a context where they avoid serious offence. I do think it is worth having an element of circumspection about context, not least because a lot of the time when we are looking at stuff to do with stereotyping, we have to think about ads that invoke stereotypes in order to challenge them.

That can be a valid approach, depending on what kind of advertising you are talking about. If you are a charity campaigning against negative perceptions, then you might well want to give examples of those negative perceptions in order to challenge them. The kind of caution we are both expressing here comes with the territory of media regulation and regulating communication.

- Q190 **Bell Ribeiro-Addy:** Thank you very much. Alice, why does the editors’ code of practice omit age from clause 12 on discrimination? The editors’ codebook says that the inclusion of age in clause 12 “would preclude fair comment on politicians, athletes, actors and others who might be argued to be past their prime”. Is that not an ageist sentiment in itself? Is it ever acceptable to categorise someone as “past their prime” solely on the basis of their age?

Alice Gould: First, it is important to note that IPSO does not write the editors’ code or the editors’ codebook. That is done by a separate body called the editors’ code committee. IPSO does have a small say in that, but it is a 15-person committee, and IPSO has just two of those seats. However, one of the strongest things about the editors’ code is that anybody can make a submission to it, and it has been changed based on these submissions. That could be a campaign group, organisation or just any member of the public. Certainly, for phrases like that, I would very much suggest that people who take offence or want to change the code come forward and make such a submission.

In terms of age itself, there are a multitude of factors as to why age may be relevant within a story. There are contextual reasons where it is directly relevant or necessary. Something that springs to my mind a lot is identification. With a court report, if a person’s name and the general area they live in is used alone, age can be another factor that can stop misidentification with someone else who shares that same location and name.

Looking at some of the evidence that has been provided to this Committee, I have noticed that some of the concerns that have been raised relate to inaccurate stereotypes to do with distribution of wealth



HOUSE OF COMMONS

and of resources. Those kinds of concerns are already encapsulated within the editors' code, under clause 1 on accuracy. If those articles are seen as being inaccurate, we would recommend that people do come and make complaints to us.

I have heard some concerns particularly about stories that are newsworthy on the basis of the age of the subject. Particularly in the local news, a lot of those stories are brought forward by the subject themselves, who want that story to be in the newspaper and would probably not make a complaint or have concerns about that coverage. That links to the point that many people view things in different ways.

The editors' code and IPSO, as well as protecting individual rights of people, do want to uphold freedom of expression. One columnist who might write their own personal characterisation about their age and experience might be very different from—and might even be irksome or offensive to—another person of the same age with those same experiences.

Q191 **Bell Ribeiro-Addy:** I gave that particular example of the editors' code saying that the inclusion of age would preclude fair comment on politicians, athletes and actors. Would it not always be discriminatory or ageist to classify someone as "past their prime"—past it, essentially?

Alice Gould: I think there is a lot to learn from. Looking at how this conversation has changed over the last few years, it is very much worth looking at these submissions and questions and reflecting on the work we do.

Q192 **Bell Ribeiro-Addy:** Given that age is omitted from clause 12, how does IPSO's framework work to protect older people? I know you have said that the fact that it is omitted does not mean we have free rein to bash older people.

Alice Gould: As I have mentioned, we do get a limited number of complaints about this. With a lot of those stories, there are other elements of the editors' code that can be used to look at issues such as accuracy, people personally, or promoting inaccurate stereotypes about older people.

Q193 **Bell Ribeiro-Addy:** Could you give us some examples of how the framework might be used?

Alice Gould: We had a complaint recently, which was essentially a report of a court case in which a woman was described as a "greedy grandmother" in the headline. Her take was that it was only reported because she was an older person. In fact, she was not a grandmother at all, and we upheld that complaint as being a breach of the code.

Q194 **Bell Ribeiro-Addy:** Was that on the basis of her being an older person?

Alice Gould: It was on the basis of it being inaccurate.

Q195 **Bell Ribeiro-Addy:** We are looking for any examples of how older people



HOUSE OF COMMONS

are protected from ageist discrimination within the framework.

Alice Gould: I don't think I have any further examples of that, but we have very limited complaints about this. That is specifically looking at it from a complaints perspective. Again, we have standards training for journalists. We also promote the guidance of various charities and groups for age discrimination on our website, which journalists can look at when writing stories about older people.

Q196 **Chair:** Alice, does that become more challenging when you are dealing with citizen journalists, or do they fall outside your remit, so you are not interested?

Alice Gould: We look at the editors and publications. We do not look at individual journalists. If you have taken on a freelance or citizen journalist and published that, it automatically falls under whichever newspaper published it.

Q197 **Chair:** Thank you. Malcolm, I am going to struggle to phrase this intelligently—I think that's the word I'm going to go with—but when it comes to direct mail marketing, particularly online advertising that is often driven by algorithms, so part of direct mail, my particular beef is that I turned 50 and was bombarded with direct mail advertising for stairlifts, walk-in baths and luxury retirement accommodation.

In addition, you go on to your Facebook page once you have turned 50 and you get adverts that are perhaps completely irrelevant to you, but because you have passed a certain birthday, it is all headed in your direction. At what point does the advertising industry look at adverts like that and regard them as absolutely stereotypical, driven by nothing other than age?

Malcolm Phillips: In general, we deal with the content and targeting of advertising. When we deal with targeting, we look at the permissible use of data to target advertising. We do not seek to tell advertisers at whom they should be addressing their ads or to whom they should be seeking to sell their products, unless they are seeking to sell age-restricted products to younger people. That is really the limit of how we deal with that.

I think that behavioural advertising can cause people all kinds of counter-intuitive experiences, but some of the time, you might not be targeted with that advertising because they think you are necessarily in need of it. At a certain age, many of us will have older people that we might be caring for. There might be different reasons why that kind of advertising gets targeted. We have specific rules in place on targeting, but to date, much more of the concern has been about the protection of younger consumers.

It is evident in the content of some advertising that people are being addressed as a specific audience; they are being targeted with ads for funeral plans, life insurance and things of that nature. We have warned advertisers that they shouldn't mislead people by suggesting that their products offer something unique to a certain demographic.



HOUSE OF COMMONS

I have a case study about an ad for a “special pensioners’ hearing aid”—that was the wording of the advertising. The ad said, “A special hearing aid offer has been introduced for pensioners. The hearing aid is low cost, simple to operate and brings improved hearing to thousands...Don’t wait another minute get in touch today. Not only are our pensioners hearing aids economical and discreet, but they could allow you to hear clearly again. So don’t delay, the results might be life changing.”

The ASA investigated the claim “low cost”, “economical” and “special pensioners’ hearing aid” after one complaint, with the complainant stating that they understood the hearing aid was a standard, low-tech model on sale for £1,398. We considered that consumers seeing the ad were likely to have some knowledge of the general price range of hearing aids and concluded that pensioners would be unlikely to think of that sum as inexpensive. The ad implied that the hearing aid was uniquely suited to pensioners when it did not really have any features specific to them, so we upheld on both points.

Chair: Thank you. Kim, I am conscious that we might have votes fairly shortly.

Q198 **Kim Johnson:** Good afternoon, panel. I have a couple of questions on stereotypical imagery and marketing. We have heard today that the stereotypical image of an older person is usually a frail, grey-haired old granny with a walking stick. Kate, from your point of view, does the thoughtless use of such imagery fall foul of your rules on harm and defence?

Kate Biggs: Again, I am really sorry, but it is very hard for me to speak in the hypothetical. It really would depend on how such imagery and representation is presented. I would just like to reassure you that every single complaint we receive is assessed on its merits.

Q199 **Kim Johnson:** Is anybody else on the panel able to answer that question in relation to your organisations, or is it too hypothetical?

Malcolm Phillips: A lot of it comes down to context, and I come back to my earlier point that sometimes stereotypes are invoked in order to challenge them. It really is important to understand the individual context of a communication before you can really take an opinion on it.

Q200 **Kim Johnson:** What are your organisations doing to encourage the use of more positive and realistic images of older people?

Kate Biggs: At Ofcom, we do not really have a role in telling broadcasters what they should and should not be doing; those are editorial decisions that they need to make themselves. We do have a particular role with the BBC and public service broadcasters to make sure that they are fully serving and authentically representing all audiences. They have a job to do for all audiences, whether old, young, poor or rich. We continue to monitor and hold them to account because it is very dynamic and these issues can arise at any point.

Q201 **Kim Johnson:** Malcolm, in 2017, the ASA reviewed gender stereotyping



HOUSE OF COMMONS

in advertising, which led to new rules in relation to harm and offence. Is there a case for a review and new rules against ageist stereotyping?

Malcolm Phillips: Potentially, yes. The rules on offence state that "Particular care must be taken to avoid causing offence on the grounds of" all protected characteristics, including age.

There are a couple of points I want to make about this. We did our work on gender stereotyping. It represented a step change in how we think about the impact stereotypes can have in advertising. The conclusions we drew about how stereotypical depictions can limit people's perception of what they can achieve have wider relevance than just purely for gender representation.

As we have said before, you are rarely talking about one characteristic; you are often talking about intersections between them. In reality, the concerns we see in advertising might well focus on gender, but age, sexuality and race can all be interlinked with that, and we know we need to be equipped to deal with that.

The reason gender was the first characteristic that we chose to address through dedicated work was the sheer volume of experience we had in dealing with it in casework and the amount of evidence and expert stakeholder input we could draw on in the project. We knew that the framework we had at the time needed to be modified to capture fully the concerns that people were bringing to us, and we expended a lot of resource on developing rules and guidance that could move us on.

I do not think we need to repeat that exercise with every characteristic in order to be able to address the concerns people might have about age, disability or other characteristics, but we do need robust evidence to go on if we are to do something of genuine use. To regulate effectively, we need to be able to tell advertisers what they need to do in order to comply. Ideally, that involves more case studies and more detail on how adverse perceptions are generated, in order to provide that detailed guidance that can give advertisers certainty on how the ASA is going to look at their advertising.

Q202 **Kim Johnson:** Karyne Jones, CEO of the National Caucus and Center on Black Aging, said, "Very few companies market to the older Black community. You might see an ad featuring an older Black woman going to a pharmacy or acting as a caregiver, but you don't see images of older Black women buying luxury goods or exercising." Do you think there is a broader problem with the issue of diversity and representation in the portrayal of older people in advertisements in the media?

Malcolm Phillips: One thing we did in the gender stereotyping work was to look at omission, which is a bit easier when you are dealing with stereotypes that that invoke a binary where somebody is either present or not. When you are talking about this kind of thing, we cannot mandate diversity of body types or people sharing a characteristic in advertising. There is an infinite amount of advertising. There is an uncountable amount

of it. It is very difficult, even in practical terms, to mandate the representation of different people in ads by advertiser.

From our experience in the gender stereotyping work we are able, through the rulings that we make and through taking a stance on actively harmful stereotyping in the content of ads, to promote wider discussion with industry about culture change and the ways in which people are typically portrayed. We can have a soft power impact beyond what we are able to do through rules-based interventions.

Q203 Kim Johnson: You mentioned at the beginning of the session that your organisation has a very narrow remit as a regulator. You have just spoken about commissioning specific pieces of work. Have you given any thought to commissioning work around ageing and older people?

Malcolm Phillips: Yes, it is under active consideration this year.

Q204 Dr Cameron: My questions are focused on complaints data and monitoring. What can you tell me about the number and proportion of complaints that your organisations deal with about ageing? I will start with Malcolm.

Malcolm Phillips: In 2023, we resolved 27 cases that referenced the words “ageist” or “ageism”. For comparison, we resolved 348 cases about race or ethnicity and 93 around gender. That is in the context of 25,041 cases in total. Of the 27 cases concerning ageism, 23 did not meet the threshold to investigate further, three were out of remit, and one was investigated, but in the end on grounds other than ageism. It was the Nationwide Dominic West ad. A couple of complainants thought it was ageist, but it was upheld on the grounds that we felt Nationwide had misled about their commitment to keep branches open, so it was different grounds.

Our annual reports include statistics on complaints data with a breakdown on whether complaints relate to misleadingness, harm or offence and in what medium the ads were seen. But you can tell from the numbers I have given that at present this is a really small percentage of the total.

Q205 Dr Cameron: Are people struggling to meet the threshold?

Malcolm Phillips: There can be all kinds of reasons why something does not meet the threshold for investigation. I would not say that that necessarily means that the threshold itself is unduly restrictive. The benefit of the system that we have, where the team that I manage sits in the office with the people doing enforcement, is that if people are uncomfortable about the threshold they can talk to us and we can consider it and do project work if necessary to explore that.

Q206 Dr Cameron: Is that something you might do?

Malcolm Phillips: We have had discussions with the Centre for Ageing Better and we have ongoing discussions with our colleagues in enforcement functions. That might result in some targeted enforcement work this year.

Q207 **Dr Cameron:** Thank you. Kate?

Kate Biggs: In the last 12 months we have had about 70,000 complaints across all aspects of the broadcasting code. Less than 1%—0.5%—related to age discrimination, which is how we would classify ageist concerns. None of those warranted investigation or sanctions. That is broadly the pattern we have seen over the last few years, so it is a very limited number. Similarly to Malcolm, we will continue to assess what we see in terms of evidence for further work in this space. That is the current picture.

Q208 **Dr Cameron:** Again, do you think people are finding it difficult to reach the threshold that you look for?

Kate Biggs: I would not suggest we could draw that conclusion on the basis of so few complaints. It is a serious breach to breach the code. It really does depend on the merits of the specific complaint. I would not say it is necessarily a threshold concern; it is the nature of the complaints we have received to date. I would not want to preclude a concern being raised with us tomorrow that we would take very seriously and that could lead to sanctions.

Q209 **Dr Cameron:** Do you think you will review that?

Kate Biggs: Where the evidence suggests we need to reconsider aspects of the code, we do that, but we have to be mindful of our resources and priorities and have to be evidence-led where we see the issues emerging.

Q210 **Dr Cameron:** That doesn't sound so reassuring. Alice?

Alice Gould: Again, to be fair, it is a very recent development that we have started monitoring for age. In the complaints we have investigated, which are easier to look at, considering that we get 20,000 complaints a year, our standards monitoring has found nine complaints from three separate complainants in the past four years that have had something to do with age.

Q211 **Dr Cameron:** Would you not be able to take them forward on the basis of age?

Alice Gould: They were investigated, but not on the grounds of age discrimination.

Q212 **Dr Cameron:** Because that is not part of clause 12 of the code, is it?

Alice Gould: No.

Q213 **Dr Cameron:** You reviewed this code just a few years ago, so why was age omitted?

Alice Gould: Again, it is not IPSO that writes the code; it is the editors' code committee, which is separate. It is reviewed annually. I am not sure if a submission on age was made at that time, but again, that is something that we would very much encourage groups and interested parties to do.

Q214 **Dr Cameron:** So that might be something you would take forward?

Alice Gould: The editors' code would consider it if it was put forward as a submission.

Q215 **Dr Cameron:** Malcolm and Kate, why do the ASA's and Ofcom's annual reports not include data on harm and offence-related complaints and outcomes broken down by protected characteristics to which complainants relate? Could that be included in future reports?

Malcolm Phillips: We are open to considering it. Given the numbers I have mentioned, I am not sure how much information could be gleaned from that. We have a transparency policy and are always willing to talk to anybody who wants information on particular kinds of complaint. We can consider giving an information submission over a longer period of time in order to generate more meaningful results. But it is open to question how much information you could glean from an annual report.

Dr Cameron: But it would not take too much time.

Malcolm Phillips: As I say, we are open to considering it.

Kate Biggs: Similarly, we would be concerned about the robustness of the data, because complaints often bring out a number of aspects, and about how you categorise that in any meaningful way that you could draw conclusions from. Currently, we ensure that all our complaints data is searchable, in terms of age discrimination, for example, and we present it by which section of the code complaints have been raised and considered under. I am happy to consider that further, but our concern has been about the robustness of the data, and therefore what conclusions you can meaningfully draw from it.

Q216 **Dr Cameron:** Perhaps if people felt that the organisations were more interested in this and more work was done on it, more people would come forward with issues on it.

Kate Biggs: We try to make our complaints process as accessible as possible. At Ofcom we monitor how well we are known—do people know who we are? Do they know how to get in touch with us? They can contact us by email, by phone, and by letter. It is an area we will continue to look at, because your awareness of us and access to us can ensure that we are doing the job we need to do. We will continue to do that and are very open to any suggestions the Committee might have. Generally, audiences have had a reasonable understanding of who we are and how to get in touch, but that does not mean we are complacent about how we can make our complaints processes even easier.

Q217 **Dr Cameron:** Likewise, people would not want to think that IPSO does not care about ageism. That might be something you can take forward.

Alice Gould: We are looking forward to the findings of this Committee and to reflecting on them and on how IPSO works.

Q218 **Chair:** Kate, when you look at complaints received, do you analyse the



HOUSE OF COMMONS

breakdown of the age of the complainant?

Kate Biggs: I would need to check. I don't think we do, because we do not necessarily require that information to be able to take forward their complaint. But I can check that.

Q219 **Chair:** Would you automatically ask the gender of a complainant, or might that be obvious from the name?

Kate Biggs: I am not quite sure what data we collect on the complainants, so I am looking at my colleagues. What really matters is the nature of the complaint, rather than who has raised it.

Q220 **Chair:** I'm trying to drill down into whether, when you are looking at who knows how to complain to Ofcom—

Kate Biggs: Whether there is bias there—

Chair Do you have any idea whether older people know how to complain to you? As an angry 50-year-old woman, I might very easily complain about something that I thought was sexist, but I may be just a tired 70-year-old woman and have no idea how to complain to Ofcom when I see something that is ageist, and you do not know whether older people know how to complain to you.

Kate Biggs: Could I write to the Committee on that, because I do not want to misspeak?

Q221 **Chair:** That would be really helpful. Malcolm, can I take you back to your data? Apologies—I did not write it down. I can see that you have had tiny numbers, but those numbers have not met the threshold that has been worthy of investigation. Is it the same proportion of complaints that do not meet the threshold around ageism that perhaps do not meet the threshold around racism, sexism or discrimination on the grounds of disability?

Malcolm Phillips: I would say two things. I might be at risk of misleading the Committee if I did not clarify that every complaint is treated on its own merits. It only takes a single complaint to launch an investigation. When we say that it does not meet the threshold, we are not saying that it requires numbers of complaints in order to launch an investigation; we are saying that on the merits of the complaint, we did not feel that the issue it raised was strong enough to merit investigation. I think that is a really important point to make. I do not have data to hand on relative amounts of complaint that were taken forward or not in relation to different protected characteristics; I can write to the Committee on that.

Q222 **Chair:** That would be really interesting for us to have, to see whether the threshold on ageism was perhaps tougher than the threshold on sexism.

Malcolm Phillips: I think the point that Kate made about statistical robustness is probably relevant here with such small numbers.

Q223 **Chair:** With small numbers, one complaint can skew all your numbers. I get that—I just think it would be interesting for us to know what



HOUSE OF COMMONS

proportion of your complaints around race, for example, are not taken forward.

Malcolm Phillips: The other thing I wanted to mention was that we do customer satisfaction surveys—I do not have the latest, but we can provide the latest to you following the session. On the point about the empowerment of different complainants of different ages, it is worth saying that my knowledge is that past consumer satisfaction surveys by the ASA tended to suggest that complainants were, among other things, more likely to be older. If anything, we were concerned that younger consumers might not be as empowered to make complaints about advertising, or might be relatively less aware of the ASA than older consumers.

Q224 **Chair:** How do I find out how to make a complaint to the ASA?

Malcolm Phillips: We run awareness campaigns every year. Again, I can write to you with details of our latest awareness campaign and the success that that has had in raising public awareness of the ASA.

Q225 **Chair:** But where is that? Is that through posters on the tube? Is it in broadcast media?

Malcolm Phillips: We get donated space across a whole range of different media, including everything from posters on the tube to community radio in particular areas. It is a really wide and diverse range of donated space that we can get.

Q226 **Dame Caroline Dinenage:** Now here's a depressing thing. The Centre for Ageing Better has found that people working in the media and advertising have an appetite for change in relation to the stereotyping of older people, but little confidence that real progress is likely. I will tell you why. One stakeholder said that if newspapers are looking to convey an impression very quickly, it is a nice, easy and slightly lazy thing to do—for example, if you are writing about a cold snap coming, "a lonely old person wrapped in a blanket might...be the sort of image that comes to mind". That is why they think it is unlikely that progress will really happen. What do you think that it would take to really bring about the change that it seems everyone genuinely wants to see when it comes to the portrayal and representation of older people? Kate, I will start with you.

Kate Biggs: I think we have seen some progress in people's attitudes to how authentically they feel that they have been portrayed and represented, certainly across the public service broadcasters. It is helpful that the UK has a highly competitive media environment. Quite frankly, if you are poorly serving your older audiences, they have choices; they can switch over to a competitor that might be doing a much better job at presenting older people more authentically. Those things are key.

However, as I mentioned, Ofcom has a somewhat limited role in terms of positively requiring the wider media to make those editorial choices, but I think that the public service broadcasters have an important role in ensuring that all audiences are served and becoming a bit of a gold

standard. There is more they can do, and I am hopeful, given the progress they have made over the last few years.

Q227 Dame Caroline Dinénage: Malcolm, do you share the pessimism of the Centre for Ageing Better and the optimism of Kate?

Malcolm Phillips: I am optimistic. I do not think there is any reason why, if that concern is prevalent in the advertising industry, something cannot be done. We are an industry system. The committees to which I report on changes to the rules are made up of representative bodies from different parts of the advertising industry. We are perfectly plugged into industry discussions, if we need to be, around culture change.

I think it is absolutely fair to say that stereotypes are often used as a quick and easy way of targeting particular demographic groups, but that does not mean that you cannot make better choices about how to do it. In the UK, we have a thriving advertising industry, which I think should be completely capable of rising to that challenge.

Q228 Dame Caroline Dinénage: Alice, do you have anything to add?

Alice Gould: Part of IPSO's role, particularly with raising standards, is to help to create dialogue between groups that wish to raise editorial standards and editors and journalists—helping to facilitate that dialogue. Also, resources such as the Centre for Ageing Better's gallery of alternative images that journalists can use are also very useful. Both those things are helpful, but similarly to Ofcom, IPSO itself cannot really enforce editorial decisions, and what we would not want to do is curb freedom of expression.

Q229 Dame Caroline Dinénage: Does the Government have a role to play in this, Alice?

Alice Gould: I think they could do, but I am not sure how much I am able to comment on that. They could look at things like this and the Committee's decision at the outcome of it.

Q230 Dame Caroline Dinénage: Would you say that the Government would need to take a lead in this area?

Alice Gould: Particularly looking at newspapers and media, again, independence and freedom of expression are most important.

Q231 Dame Caroline Dinénage: Kate or Malcolm, do you have any thoughts on whether the Government should take a lead on this?

Kate Biggs: I don't have a view, I'm afraid.

Malcolm Phillips: I don't think we think that it is our place to tell the Government what to intervene in or not. The starting point that we tend to adopt is, if it is legal to advertise, what are the responsibilities that flow from that, in terms of avoiding misleading, harming or offending the audience? There have been particular instances where the Government have intervened on things like that, where there have been questions of

permissibility around advertising—for example in gambling—but in terms of this, I do not think we have a view on Government taking the lead.

- Q232 **Dame Caroline Dinenage:** A lot of the people who have spoken to us and given evidence have spoken about the need for either an older persons and ageing Minister, or a commissioner. Would your organisations be in favour of that? Do you think that would make a difference or help in any way?

Kate Biggs: The only thing I would mention is the importance of the Children's Commissioner, Victims' Commissioner and Domestic Abuse Commissioner. They have been incredibly important stakeholders for us, advising us across a range of duties in the communications sector. If Government were to decide to have one for older persons, I could see the value of that, certainly. It is part of our stakeholder group that is very important to us.

Malcolm Phillips: Yes, I think having more sources of expertise and resource—somebody capable of commissioning or directing research—can only be helpful when, at present, we do not have a robust evidence base to go on. So, yes.

Alice Gould: Speaking more broadly, it is something that I probably cannot comment on, but I think the independence of the newspapers and magazines is very important as well.

- Q233 **Dame Caroline Dinenage:** But if the Government were to launch a strategy on ageing—say, that they were looking at how they could challenge harmful ageist stereotypes—is that the sort of thing that your organisations would be willing to support them with and work with them to tackle? Would you be engaged in that—Alice?

Alice Gould: Absolutely. We review and look at many Select Committees and take that on board. It is one of IPSO's key strategies to keep up with the changing media landscape and ensure that our work in particular is engaged with that.

Kate Biggs: From a wider Ofcom point of view—not just our media regulation engagement—around older people and their engagement with communication services more generally, such as access to internet, mobile and so on, that would be of interest.

Malcolm Phillips: Advertising crosses so many sectors and touches on so many issues that we know, in reality, that we are always going to be engaging in partnership working or dealing with different sectoral regulators and different experts in different areas. We place a great emphasis on the idea of collective regulation and partnership working to that end. So absolutely, we are always open to talking to experts and stakeholders about any issue that comes within advertising regulation.

- Q234 **Dame Caroline Dinenage:** To take you way back to much earlier in the session, I was really struck when you were speaking to the Chair about the intersectional aspect, particularly in media, Kate. I was just racking



HOUSE OF COMMONS

my brains while I have been sitting here listening to you all, thinking about how, when you watch the TV, quite often you will see a TV presenter who is a silver fox—a male silver fox, an elder statesman—alongside a young female presenter, and very frequently, you will see two presenters of a similar age. Can you, Kate or anyone else on the panel, think of a single TV programme where your presenters are an older woman alongside a young man?

Kate Biggs: I will probably think of an example the minute I walk out of the room. I cannot immediately think of one, but I would also suggest that it depends on what genre we are talking around.

Q235 **Dame Caroline Dinanage:** Any genre. I have been sitting here racking my brains for the last hour.

Kate Biggs: “The One Show”, says my colleague.

Q236 **Chair:** We got one example. There is going to be a vote imminently. Can I conclude? I think all of you at some point have referred to a changing landscape. Is that part of the challenge—that the perception of age changes, both across generations and indeed for individuals? If you were to wind my clock back 20 years, I would have thought that 50 was positively past it. I now hold a very different view. Is that where some of the challenge creeps in?

Malcolm Phillips: The changing landscape is a huge issue for us and it requires a lot of resource and careful thinking. Particularly in recent years, we have thought about that in relation to social media marketing. It can be a challenge, but it is a challenge that we are alive to and I think we are capable of responding to it. We have research, data science and different capabilities that allow us to do that. *[Interruption.]*

Q237 **Chair:** I am not sure the other two of you are going to get a chance to respond. I thank you for your evidence this afternoon. There are separate issues that some of you have offered to follow up in writing; that would be hugely appreciated. We have a Division and I think this is a good moment to close.