



Women and Equalities Committee

Thursday, 23 May 2024

Rt Hon Kemi Badenoch MP **Minister for Women and Equalities**

Dear Kemi,

You will be aware that the Women and Equalities Committee recently concluded an inquiry into the rights of older people. Throughout the inquiry, we examined the prevalence of ageist stereotypes and age discrimination in the media and advertising; barriers faced by older workers in the labour market; digital exclusion; and the governance and legal frameworks in place to protect and champion older people's rights. The Prime Minister's announcement yesterday of a general election on 4 July has precluded us from publishing our Report. I therefore set out below some key themes and conclusions that are strongly supported by the evidence we heard.

There is strong evidence of very high prevalence of harmful ageist attitudes and discrimination across UK society. In every area we examined, there was evidence that ageism is not treated as seriously as other forms of discrimination, despite a wealth of evidence on its harms to individuals and society. This is reflected in media, advertising and press standards and codes; recruitment and employment practices; and the exceptional way the Equality Act treats age as a protected characteristic.

Commissioner for Older People's Rights

Despite the UK's ageing population and the fundamental challenges and opportunities this presents for government policy, there is insufficient focus on ageing and older people in the machinery of government and wider governance framework. This is demonstrated by the omission of age and ageing from the work of the Equality Hub; the fact that the Government's Digital Inclusion Strategy has not been updated for nearly a decade; and the absence of a Commissioner for Older People in England, while similar roles are well established in Northern Ireland and Wales and have made good progress in areas including take up of pensioners' benefits and digital inclusion. I believe that the case for a Commissioner for Older People's Rights in England is now overwhelming.

Reform of the Public Sector Equality Duty

By allowing for objective justification of direct age discrimination, the current law deters claims on the ground of age and severely limits claimants' chances of success in the



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relatively few cases that make it to tribunal. The law does not yet appropriately recognise the inherently intersectional nature of age discrimination, particularly for women, which further contributes to a lack of enforceability.

The Public Sector Equality Duty has the potential to tackle ageism but its specific duties in England are far too weak to ensure transparency, accountability, and genuine progress. I therefore believe there is a very strong case for careful review and reform, including but not limited to:

- the impacts of exceptionally allowing objective justification of direct age discrimination and the case for instead adopting specific exceptions, where necessary;
- strengthening the Public Sector Equality Duty's specific duties in England by adopting positive duties that require progress towards equality in areas including access to healthcare, housing, and digital inclusion;
- adoption of a strengthened "reasonable steps" duty in relation to employers eliminating age discrimination; and
- options to amend the Equality Act to explicitly recognise intersectional discrimination.

I hope that our successor Committee and the next administration will prioritise these matters. I am copying this letter to your shadow minister Anneliese Dodds MP and to John Kirkpatrick, interim Chief Executive of the Equality and Human Rights Commission.

Yours ever,

Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee

CC:

Anneliese Dodds, Shadow Minister for Women and Equalities
John Kirkpatrick, Interim Chief Executive, Equality and Human Rights Commission