

## 14th session of the Open-ended Working Group on Ageing

### Guiding questions on the normative content related to right to health and access to Health Service

#### Definition

*1. How is the human right of older persons to the highest attainable standard of physical and mental health defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?*

Access to health provision and regional policies on health are devolved to individual governments in the UK nations. In the UK as a whole, the Care Act 2014 makes clear that local authorities must provide or arrange services that help prevent people developing needs for care and support, or delay people deteriorating such that they would need ongoing care and support.

Some examples of legal frameworks in the Health/Care Sector:

- The UK Government is committed to ensuring that older persons can live with the dignity and respect they deserve by providing support through both pensions and income-related benefits for pensioners. In 2023/24, the Government will spend over £152 billion directly both on the State Pension and benefits for pensioners in Great Britain.
- The Health and Care Act 2022 has introduced significant measures for carers and those that use services, including:
  - new duties on NHS England and the new Integrated Care Boards to involve carers in public engagement.
  - new provisions on Integrated Care Boards to involve carers in any decisions which relate to, the prevention and diagnosis of illness, care, and treatment of the person they care for; and
  - a duty for NHS Trusts and foundation trusts to take any steps it considers appropriate to involve patients and carers at the earliest opportunity in discharge planning for adult patients who are likely to need care and support after their hospital discharge.
- Attendance Allowance is intended to help those with a severe disability who have long term care or supervision needs where those needs arise after reaching State Pension age. Entitlement to Attendance Allowance is based on the on-going need for frequent personal care and attention, or supervision to ensure personal safety, rather than on the individual's specific medical condition. It is paid out of general taxation and is a tax-free, non-contributory, and non-means-tested benefit so is not affected by an individual's income or savings.
- The Care Act (2014) requires local authorities to deliver a wide range of sustainable, high-quality care and support services, including support for unpaid carers.

#### Scotland

- My Health, My Care, My Home is the healthcare framework for adults living in care homes and seeks to improve outcomes for people living in care homes by increasing their access and parity of care and ensuring they are at the centre of their own care and decision making relating to this.

#### Wales

- In Wales, the Regulation and Inspection of Social Care (Wales) Act 2016 sets out the regulatory framework for the social care sector in Wales, including the care home sector.

#### Northern Ireland

- Regulation and Quality Improvement Authority (RQIA) has established an inspection methodology improvement programme. The aims of this programme include ensuring a clear focus on the experiences of people who receive care and those who are important to them.

*2. The human right to health encompasses both access to health care and attention to the material and other conditions which are necessary for its full enjoyment. What provisions have been made to ensure that older persons enjoy access, on an equal basis with others, to social protection, adequate water and sanitation, adequate housing and to health education?*

In **England**, Local Authorities (LAs) have a duty under the Care Act 2014 to meet the eligible care and support needs of individuals in their local population, subject to a financial assessment. Guidance for the implementation of the Care Act states that the core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. Local authorities must promote wellbeing when conducting any of their care and support functions in respect of a person.

Housing Benefit support is available to eligible pensioners. Housing Benefit is an income-related benefit which is intended to assist people who need help to pay their rent. Pensioners who receive Pension Credit and live in social housing get full remission of their rental charges for property. Those in the private sector get remission of the maximum rent allowance available (there are caps applied to those who are under-occupying and whether the rent is deemed excessive for the particular area). Pensioners with higher incomes may also qualify for help depending upon their income levels and their individual circumstances, such as the size and make-up of their households.

#### **Scope of the right**

*3. What are the key normative elements of the human right of older persons to the enjoyment of the highest attainable standard of physical and mental health?*

Older persons are more likely to be – or to become – disabled, or to develop dementia and other long-term conditions related to ageing. Ensuring that gaps do not exist in equitable

access to universal healthcare is therefore particularly important. In the UK, legislation and the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care are designed to ensure that everyone who is eligible, regardless of age, condition, or financial means, is identified, assessed and receives an appropriate package of care quickly, which meets their assessed health and care needs.

*Please provide references to existing standards on elements including but not limited to:*

*a) Prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to health.*

The UK is committed to the promotion and protection of human rights, and to implementing its human rights obligations. Engagement with human rights mechanisms is a continuous process which helps to inform UK implementation on an ongoing basis. The existing Public Sector Equality Duty ensures that in all policy decisions we have due regard to the need to eliminate discrimination, and/or harassment or victimisation of individuals with protected characteristics, including older age. The UK has strengthened its protection of the human rights of older persons through changes to legislation and recent improvements in the delivery of services.

The Equality Act 2010 provides protection against direct and indirect age discrimination across a range of areas. All public bodies, service providers and employers are required to make reasonable adjustments to any element of a job or service which places a disabled person at a substantial disadvantage compared to a non-disabled person.

This reasonable adjustment duty is an anticipatory duty, meaning that those who provide goods, facilities, and services to members of the public are expected to anticipate the reasonable adjustments that disabled customers may require.

The Act defines disability as “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”.

The Act defines “long-term” as having lasted, or likely to last for at least 12 months, or likely to last for the rest of the life of the person. “Substantial” is defined as more than minor or trivial.

The Act does not, except in a few specific instances, mention by name any of the conditions that may fall within the definition of disability. This is because in most cases, it is the impact on the person’s life that is the qualifying criteria rather than the condition itself. The only specified disabilities in the Act are certain visual impairments, Cancer, HIV and Multiple Sclerosis.

*b) Provision of promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services, as well as health care and support, including on aspects such as quality of care, long-term and palliative care and support.*

In terms of health care, anyone can register with a GP service to access NHS services. GP surgeries are usually the first point of contact for a person with health problems, and can treat many conditions, give health advice, and make referrals to other NHS services. All GP practices are required to assign to all their registered patients a named, accountable GP. This GP must lead on ensuring that any general practice services which they are contracted to provide, and are necessary to meet the patient's needs, are coordinated and delivered to that patient. For registered patients aged 75 and over, the named accountable GP has additional responsibilities, including ensuring that these patients receive an annual health check on request.

*c) Availability, accessibility, acceptability and quality of health facilities, goods and services as well as health care and support, including aspects such as quality of care, long-term and palliative care and support.*

In the UK, In the UK, legislation and the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care are designed to ensure that everyone who is eligible, regardless of age, condition, or financial means, is identified, assessed and receives an appropriate package of care quickly, which meets their assessed health and care needs. However, the National Framework relates to healthcare in general, and does not include access to long-term care, which is generally perceived as a social care responsibility.

Access to user-friendly information and communication is an essential part of accessibility. One good UK example is the Accessible Information Standard. NHS organisations and publicly funded social care providers must comply with the Accessible Information Standard (AIS) to meet the communication needs of patients and carers with a disability, impairment, or sensory loss. NHS England has completed a review of the AIS and a revised AIS will be published in due course.

*d) Exercise of older persons' legal capacity on an equal basis with others, including the ability to make an informed consent, decisions and choices about their treatment and care.*

The UK has put in place a protective system designed around the individual. One example is the appointee process managed by the Department for Work and Pensions (DWP) which allows a family member, a friend, or an organisation to be appointed to act for the customer in the day-to-day management of their benefits e.g. State Pension.

The appointee can make a claim for benefit, collect, and receive benefit and report any change of circumstances on behalf of an individual.

Arrangements for Lasting Powers of Attorney under the framework of the Mental Capacity Act 2005 also allow for an individual to create a power before any loss of decision-making capacity in order to specify who should be assigned the status of an Attorney in relation to either Property and Finance or Health and Welfare decisions

(or both functions) enabling decisions to be made on behalf of individuals in accordance with their (previously) specified wishes and preferences about such decisions.

*e) Access to prompt and effective remedies and redress when older persons' right to health is violated.*

The Public Sector Equality Duty ensures that in all policy decisions the relevant public service has due regard to the need to eliminate discrimination, harassment and/or victimisation of individuals with protected characteristics, including older age. Individuals may make informal or formal complaints to public authorities where the Duty is not complied with. Complaints may also be made to regulators and ombudspersons, such as the Parliamentary and Health Service Ombudsman, and ultimately by way of legal action through judicial review. If the court thinks that a public authority didn't properly consider its Public Sector Equality Duty, it can cancel a decision and tell the public authority to make the decision again, as well as order financial compensation for loss suffered. The UK is seeking to strengthen its protection of the human rights of older persons through changes to legislation, and improvements in the delivery of services for older persons.

The Equality Advisory and Support Service (EASS) is a government-commissioned helpline that provides free advice and support to individuals in England, Scotland, and Wales on issues relating to equality and human rights. Although EASS does not provide legal advice or enforce the Equality Act 2010, it supports individuals to resolve their disputes informally and can refer cases to the Equality and Human Rights Commission.

## **State Obligations**

*4. What are the measures that should be undertaken by the State to respect, protect and fulfil the human rights of older persons to the highest attainable standard of physical and mental health, regarding the normative elements as provided above?*

In terms of appropriate support for people in care homes, individuals with eligible care and support needs must be genuinely involved throughout the development and implementation of their care and support plan. They should be given every opportunity to take joint ownership of the plan with the Local Authority (LA) if they wish, and the LA agrees. Globally, de-prioritisation of older persons in the health sector is especially apparent in the delivery of palliative care. This can reflect endemic ageism and a lack of practical geriatric training.

### **Special considerations**

*5. What special measures and specific considerations should be considered in developing the normative content on older persons' right to health?*

Everyone has the right to the highest attainable standard of physical and mental health. Older persons are more likely to be or to become disabled, to develop dementia, and other long-term conditions related to ageing, at the same time as needing to maintain employment and financial security. Ensuring that gaps do not exist in equitable access to universal healthcare is therefore particularly important.

In the UK, In the UK, legislation and the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care are designed to ensure that everyone who is eligible, regardless of age, condition, or financial means, is identified, assessed and receives an appropriate package of care quickly, which meets their assessed health and care needs.

Older persons may find it difficult to navigate automated services (including phone menus and answering services, computer applications (apps), artificial intelligence (AI) and other digital communication formats when accessing health information and when communicating with health staff. Older persons are increasingly becoming a target of scammers particularly as direct human interaction is replaced with digital. Privacy and confidentiality of an older person's health information is therefore at risk. The normative content should consider the impact of AI and emerging and future technologies on the rights of older persons.

*6. How should the responsibilities of non-State parties such as private sector be defined in the context of the human right to health of older persons?*

The UK Government has consistently supported the UN Guiding Principles on Business and Human Rights (UNGPs) and in response, produced a National Action Plan. The Government is clear that it expects all businesses, including those in the health care sector, to respect human rights throughout their operations, in line with the UNGPs. The UK will also continue to work closely with the private-sector, academia, civil society and national human rights institutions, to draw on their expertise and ensure that our approach takes account of their views.

### **Implementation**

*7. What are good or promising practices and main challenges faced by your country in the adoption and implementation of the normative framework on the human right to health of older persons?*

The Public Sector Equality Duty ensures that in all policy decisions the public service has due regard to the need to eliminate discrimination, harassment, and/or victimisation of individuals with protected characteristics, including older age. Local Authorities can choose how to meet eligible needs which can include a domiciliary care package to enable an individual to remain in their own home.

In terms of housing, we know that high quality, safe, and suitable homes can help people stay independent and healthy for longer and reduce the need to draw on health and social care provision. the UK Government has established an independent taskforce to look at housing options for older persons, continues to support and fund home adaptations through the Disabled Facilities Grant, and has supported the delivery of new supported housing options for older persons.

As mentioned above, a good UK example of "accessibility" is the Accessible Information Standard. NHS organisations and publicly funded social care providers must comply with the Accessible Information Standard (AIS) to meet the communication needs of patients and carers with a disability, impairment, or sensory loss. NHS England has completed a review of the AIS and a revised AIS will be published in due course.

**Guiding questions for the focus area on "accessibility, infrastructure and habitat (transport, housing and access)"**

**National legal and policy framework****1. What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?**

The UK legislative framework for the accessibility of transport infrastructure and services is complex and multi-layered. General anti-discrimination duties apply to aspects of transport services and are supplemented with both domestic and retained EU legislation and agreements relating to specific modes of transport. Responsibility for the policy underpinning them rests with the UK and devolved administration governments, as well as, in the case of aviation and maritime services, with international organisations.

Under the Equality Act 2010 all public bodies, service providers and employers are required to make reasonable adjustments to any element of a job or service which places a disabled person at a substantial disadvantage compared to a non-disabled person.

*This could include, but is not limited to:*

*a) the right of older persons to adequate housing, including land, property and inheritance.*

In terms of housing, we know that high quality, safe, and suitable homes can help people stay independent and healthy for longer and reduce the need to draw on health and social care provision. The UK Government has established an independent taskforce to look at housing options for older persons, continues to support and fund home adaptations through the Disabled Facilities Grant, and has supported the delivery of new supported housing.

*b) the right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services).*

The Public Sector Equality Duty ensures that in all policy decisions there is a need to eliminate discrimination, harassment and/or victimisation of individuals with protected characteristics, including older age. Consideration of the rights and needs of older person are central to the provision of more sustainable and accessible means of mobility including through technological advancements, the provision of new mobility services and automated and connected transport systems. These should all be designed and developed with accessibility considerations embedded, in collaboration with representative bodies of older persons, as transport policy is something that is developed with, rather than just for, individuals including older persons.

Regarding housing accessibility, with a few exceptions, those who own or manage buildings open to the public are under a duty to make them accessible as part of the Equality Act 2010's reasonable adjustment's duty. New building work is subject to Part M of the Building Regulations, which sets down minimum accessibility standards.

The Disabled Facilities Grant can pay for some or all of the costs of adapting eligible disabled people's homes to support independent living.

Regarding transport, the Public Service Vehicles (Accessible Information) Regulations 2023 require the provision of audible and visible announcements onboard local bus and coach services across Great Britain. People over 60, disabled passengers, as well as, young and student travellers are offered discounted travel as a requirement of the Railways Act 1993 (Section 28(3)), because they are likely to be earning less on average than adults of typical working age. The Act requires that all train operating companies participate in certain approved discount card schemes.

*c) policies/programmes that enable older persons to live independently and to be included in their communities as they age.*

In terms of enabling older persons to lead independent lives, as mentioned above, In England, LAs have a duty to meet the eligible needs of their local population and in doing so to promote their wellbeing. The LA can choose how to meet eligible needs which can include a domiciliary care package to enable an individual to remain in their own home.

The Care Act 2014 states that people whose needs are met by the local authority must receive a personal budget. Direct payments are one of the ways in which people can receive their personal budget, enabling people to commission their own care to meet their eligible needs - such as hiring a personal assistant.

*2. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?*

Older persons are more likely to have reduced mobility and also to have to rely on public transport. It is important to promote and implement safe and barrier-free access in the transportation sector based on a concept of universal design.

Accessibility considerations are embedded, in collaboration with representative bodies of older persons, as transport policy is something that is developed with, rather than just for, individuals including older persons.

As mentioned above, people over 60 years are likely to be earning less on average than adults of typical working age and thus might find transport unaffordable. They are therefore offered discounted travel as a requirement of the Railways Act 1993 (Section 28(3)) as amended.

#### **Data and research**

*3. What data, statistics and research are available at the national level regarding older persons' rights to accessibility, infrastructure and habitat (public transport, housing and access)?*

The Titchfield City Group on Ageing and Age-disaggregated data (endorsed by the United Nations Statistical Commission in 2018) is an important source of information on older



persons. However, there are gaps in data on older persons because tools are not in place to gather relevant information. Many general surveys do not include groups over 59 years of age and do not collect relevant data on older persons. Data privacy for older persons people is very important, in addition to informed consent and confidentiality. The Data Protection Act 2018 covers the collection and retention of personal data.

Public services should consider the needs of customers in protected groups and those who require extra support, including the needs of older persons. Digital services provision can deliver quicker and easier online self-service, but there is a potential gap in supporting older persons who may require digital assistance. Additionally, we sustain the right to participate in society through accessing information, such as through support in accessing digital platforms or providing alternative arrangements.

### **Equality and non-discrimination**

*4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviours that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?*

The legislative framework for the accessibility of transport infrastructure and services is complex and multi-layered. General anti-discrimination duties apply to aspects of transport services and are supplemented with both domestic and retained EU legislation and agreements relating to specific modes of transport. Responsibility for the policy underpinning them rests with the UK and devolved administration governments, as well as, in the case of aviation and maritime services, with international organisations.

### **Remedies and Redress**

*5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?*

Older persons can seek redress through regular complaint mechanisms in their Local Authority areas. Complaints can be escalated to the relevant Ombudsman, (if appropriate), or the relevant, regulatory body or their constituency MP. The Equality Advisory and Support Service (EASS) is a government-commissioned helpline that provides free advice and support to individuals in England, Scotland, and Wales on issues relating to equality and human rights. Although EASS does not provide legal advice or enforce the Equality Act 2010, it supports individuals to resolve their disputes informally and can refer cases to the Equality and Human Rights Commission.

## **Guiding questions on the normative content related to social inclusion**

### **Definition**

*1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?*

The UK launched the world's first government strategy on loneliness in October 2018 to tackle loneliness and support older persons' social connections. Given the complex and

subjective nature of loneliness and social inclusion, this encourages the voluntary sector, businesses and other stakeholders beyond government to play a role and develop personalised approaches and local solutions to assist individuals.

### **Scope of the right**

2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:

*a) the right of older persons to take part in cultural life;*

In the UK, the involvement by older persons in all aspects of life is supported by virtue of the fact that 'age' is one of the protected characteristics under the Equality Act 2010. This provides protection against direct and indirect age discrimination in employment.

The Equality Act 2010 provides protection against discrimination, harassment and victimisation across a number of grounds (protected characteristics), including age and disability. The Act's Public Sector Equality Duty (PSED) requires public authorities to have due regard to the need to foster good relations, promote equality of opportunity and eliminate unlawful discrimination. Public sector bodies must ensure that equality issues are proactively considered to remove or minimise disadvantage, meet the needs and encourage greater participation in public life by those with protected characteristics.

*b) older persons' inclusion in the digital sphere;*

The UK Department for Work and Pensions (DWP) has introduced a digital Midlife MOT which is a review for workers in their 40s, 50s and 60s that helps them take stock of their finances, skills and health, and acts as a review process by enabling them to get access to the best possible financial, health and career guidance. For digitally excluded working age out-of-work and in-work Universal Credit (UC) claimants, work coaches can use the Flexible Support Fund (FSF) to procure devices, dongle, talk time, and 6 months superfast broadband in the home where the work coach believes this will support labour market progression.

*c) ensuring that older persons can live independently and be included in the community;*

The UK ensures that older persons can participate in the economy independently through both access to employment and pensions.

### Employment

One of the challenges we see older people facing is being able to return to work. We find that many older people face barriers with returning to work and achieving gainful fulfilment from their jobs.

The Government is investing £6 billion to tackle economic inactivity to get more people into work, including older people. This includes £2.5 billion announced this week as part of our Back to Work Plan, an ambitious package of employment support which will keep more people in work by helping them to manage their health conditions.

### State Pension

The UK Government is committed to ensuring that older people can live with the dignity and respect they deserve by providing support through both pensions and income-related benefits for pensioners. In 2023/24, the Government will spend over £152 billion directly on the State Pension and benefits for pensioners in Great Britain.

The Care Act 2014 states that people whose needs are met by the local authority must receive a personal budget. Direct payments are one of the ways in which people can receive their personal budget, enabling people to commission their own care to meet their eligible needs - such as hiring a personal assistant.

The Motability scheme which is overseen by the independent charity Motability, enables disabled people, their families and carers to lease a car, powered wheelchair or scooter using a proportion of their disability benefits. A Motability lease provides a 'worry-free package' including servicing, repairs, breakdown assistance and comprehensive insurance.

#### *d) ensuring the social inclusion of older persons living in institutions;*

Local Authorities in England have a responsibility to support autonomy and independence for older persons by assessing individuals' care and support needs and, where eligible, for meeting those needs. Where individuals do not meet the eligibility threshold, they can receive support from Local Authorities in making their own arrangements for care services, as set out in the Care Act 2014. Eligible needs include maintaining and developing relationships which significantly impact on wellbeing.

#### *e) older persons' inclusion in intergenerational policies and programmes;*

In the UK, as a way of eliminating gaps in provision for older persons, a range of programmes for adult learners are supported through the Adult Education Budget (AEB), worth £1.34bn in academic year 2023/24. Its principal purpose is to engage adults and provide the skills and learning they need to equip them for work, an apprenticeship or further learning. The AEB also funds various legal entitlements for eligible adult learners, two of which apply to anyone over the age of 19 with no upper age limit.

#### *f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.*

As previously set out above, however, there may be gaps in provision that may not be fully covered, and aspects that are not yet implemented due to various factors.

### **State obligations**

#### **3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?**

The legislative framework for the accessibility of transport infrastructure and services is complex and multi-layered. General anti-discrimination duties apply to aspects of transport services and are supplemented with both domestic and retained EU legislation and agreements relating to specific modes of transport. Responsibility for the policy

underpinning them rests with the UK and devolved administration governments, as well as, in the case of aviation and maritime services, with international organisations.

The UK launched the world's first government strategy on loneliness and appointed the first Minister for Loneliness in October 2018 to tackle loneliness and support older persons social connections. Given the complex and subjective nature of loneliness and social inclusion, this encourages the voluntary sector, businesses, and other stakeholders beyond government to play a role and develop personalised approaches and local solutions for affected individuals.

### **Special considerations**

*4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?*

Consideration of the rights and needs of older persons should be central to the provision of more sustainable and accessible means of mobility including through technological advancements, the provision of new mobility services and automated and connected transport systems. These should all be designed and developed with accessibility considerations embedded, in collaboration with representative bodies of older persons, as transport policy is something that is developed with, rather than just for, individuals including older persons.

### **Implementation**

*5. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?*

Given the complex and subjective nature of loneliness and social inclusion, the voluntary sector, businesses and other stakeholders beyond government are encouraged to play a role and develop personalised approaches and local solutions in relation to social inclusion and other forms of exclusion.

## **Guiding questions for the focus area on participation in public life and in decision-making processes**

### **National and local legal and policy framework**

*1. What are the national and local legal provisions and policy frameworks in your country that guarantee*

*a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;*

In the UK, the involvement by older persons in all aspects of life is supported by virtue of the fact that 'age' is one of the protected characteristics under the Equality Act 2010. This provides protection against direct and indirect age discrimination in employment.

Local Authorities in England have a responsibility to support autonomy and independence for older persons by assessing individuals' care and support needs and, where eligible, for meeting those needs. Where individuals do not meet the eligibility threshold (for state assistance with funding), they can receive support from Local Authorities in making their own arrangements (and payments) for care services, as set out in the Care Act 2014.

*b) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;*

Any changes to policy and legislation that relate to local government elected officials and candidacy are subject to the Public Sector Equality Duty as introduced by the Equality Act 2010. The general duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act;
- Advance equality of opportunity between people who share and people who do not share a relevant protected characteristic;
- Foster good relations between people who share and people who do not share a relevant protected characteristic.

The UK has strengthened its protection of the human rights of older persons through changes to legislation and recent improvements in the delivery of services.

*c) right to freedom of expression, including freedom to seek, receive and impart information;*

The UK recognises the importance of the participation of older persons in society by improving access to information, via digital platforms, or where necessary, providing alternative arrangements. In terms of information about care and support services, Local Authorities have a duty to establish and maintain information and advice about services relating to care and support for all people in their area. Older persons are often subject to loneliness and isolation. This is not addressed directly in international frameworks, including recognition of the importance of personalised approaches and local solutions.

*d) right of peaceful assembly;*

In the UK, the involvement by older persons in all aspects of life is supported by the fact that 'age' is one of the protected characteristics under the Equality Act 2010.

*e) right to freedom of association;*

Older persons have the same rights to freedom of association as all citizens.

*f) right to take part in the government of one's country, directly or through freely chosen representatives;*

It is important to involve older persons in decisions that will have an impact on them. The qualification criteria for someone standing for election as a councillor is that they must be at least 18 years old, registered to vote in the area or have lived, worked or owned property there for at least 12 months before an election. There is no upper age limit. The disqualification criteria apply equally to all individuals independently of their age.

*g) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making*

*processes;*

Local authorities are independent of central government, but they are also bound by the Public Sector Equality Duty as introduced by the Equality Act 2010 when determining local policies that may affect older persons either in terms of decisions about service provision or the authority's own constitution that sets out their frameworks for decision making. Formal council meetings are required to be open to the public to attend.

Public services should consider the needs of customers in protected groups and those who require extra support, including the needs of older persons. Digital services provide can deliver quicker and easier online self-service, but there is a potential gap in supporting older persons who may require digital assistance or who are digitally excluded. For example, a digital Midlife MOT was implemented in July 2023 that helps older workers take stock of their finances, skills and health, and get access to the best possible financial, health and career guidance. This will help to support the UK's goals to improve employment for older persons.

*h) access to prompt remedies and redress when older persons' above mentioned rights are violated.*

Older persons have the full right to redress, as any citizen in the UK. Local authorities are independent of central government, but formal complaints can be made to individual authorities in such cases. In addition, the Local Government and Social Care Ombudsman is charged by Parliament with the investigation of complaints by members of the public as to whether there is a fault in the way organisations make decisions. The Ombudsman can investigate complaints about most local authority services, even if the service is outsourced to another organisation to provide.

The types of faults the Ombudsman can investigate are set out on the Local Government and Social Care Ombudsman's website, at [www.lgo.org.uk](http://www.lgo.org.uk).

The Ombudsman will only investigate a complaint once the authority's formal complaints process has been exhausted. The Ombudsman is independent in matters relating to the investigation, determination, reporting and remedy of complaints. complaints.

***2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?***

An aspect of the DLUHC's local government sector support programme funds the Local Government Association (LGA) 'Be a councillor' campaign which aims to increase diversity in councillor membership.<sup>1</sup>

The UK launched the world's first government strategy on loneliness in October 2018 to tackle loneliness and support older person's social connections. Given the complex and

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<sup>1</sup> [Be a Councillor | Local Government Association](https://www.lga.gov.uk/campaigns/be-a-councillor)

subjective nature of loneliness and social inclusion, this encourages the voluntary sector, businesses and other stakeholders beyond government to play a role and develop personalised approaches and local solutions.

### **Data and research**

*3. What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons' participation in public life and in decision-making processes.*

The Local Government Association periodically makes a census of principal authority councillors. The 2022 Local Government Association census stated the average age of councillors in 2022 was 60 years; 16 per cent were aged under-45 and 42 per cent were aged 65 or over.<sup>2</sup>This is higher than the ONS England general population age statistics. The 2022 census also reported characteristics such as gender, ethnicity, employment status, levels of education, sexual orientation, health background and caring responsibilities.

Data-disaggregation is an issue when trying to understand the problems facing older persons. Demographics and health surveys often only include people between the ages of 15 – 49. This highlights the lack of consideration for the experience and needs of older persons. Data privacy for older persons, in addition to informed consent is essential. The UK has the Data Protection Act 2018 which ensures that information held by Public Services is protected.

### **Equality and non-discrimination**

*4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?*

Consideration of the rights and needs of older persons should be central to the provision of more sustainable and accessible means of participation including through technological advancements. These should all be designed and developed with accessibility considerations embedded, in collaboration with representative bodies of older persons.

### **Accountability**

*5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?*

Older persons may also face challenges in accessing judicial and non-judicial dispute settlement mechanisms. Gaps relevant to these challenges could include guidance for the judiciary and others to tackle the risk of discrimination, and in ensuring that appropriate support is available and signposted in ways that will reach all sectors of society including older persons.

Local authorities are independent of central government. Local authorities must act in accordance with legislation. Where a member of the public has a concern about the actions,

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<sup>2</sup> Councillors' Census 2022 (local.gov.uk)

decisions or conduct of their local authority, concern – whether this is an age-related concern or with regards to any other matter - they should look to use the local authority's formal complaints system.

Councils are required to appoint a Monitoring Officer whose duty it is to ensure a council always follows its own stated policies and the law, this would include duties under the Equality Act 2010. Monitoring Officers have a statutory role in reporting on matters that they believe are, or are likely to be, illegal or amount to maladministration.

If a member of the public still has concerns having gone through an authority's formal complaints procedure, they may then wish to bring those concerns to the Local Government and Social Care Ombudsman. Redress via the Local Government and Social Care Ombudsman may be available to members of the public who feel they have been denied their rights to participate in decision making processes.