

**Consultation document on the 'Proposals to Extend Age Discrimination  
Legislation (Age Goods, Facilities and Services).  
[Office of First Minister and Deputy First Minister]  
Consultation Response from Fermanagh and Omagh District Council.**

Fermanagh and Omagh District Council (Council) welcomes the opportunity to respond to OFMDFM's (Office of First Minister and Deputy First Minister) consultation on the 'Proposals to Extend Age Discrimination Legislation (Age Goods, Facilities and Services)'.

OFMDFM, as part of this consultation, outlined numerous questions and issues within this consultation document and the Council is responding on those which are of particular concern within the Fermanagh and Omagh District.

### **Brief Background for Fermanagh and Omagh District Council**

The new council area is home to 114,992 people (as of 30 June 2014). The District Council area is Northern Ireland's largest region in terms of land mass - approximately 3,000km<sup>2</sup>, or 20% of NI - and the smallest in terms of population. As a result, the population density of approximately 41 people per km<sup>2</sup> is the sparsest in NI. This is a feature of the region which also provides challenges to service delivery.

### **Consultation Feedback**

#### **Health and Social Care Inclusion**

OFMDFM is seeking views on the proposal that 'Health and Social Care' should be included in the scope of any future age discrimination legislation, without any specific exceptions.

In general, the proposal for Health and Social Care provision going forward should have a positive impact on people, particularly older people, who will be able to challenge unfair and less favourable treatment.

The Council supports, in principal, the proposal that there are no specific 'Health and Social Care' exceptions going forward with regards to future age discrimination legislation. In particular, this should result in a requirement for any age-based practices by the National Health Service, or indeed any other 'Health and Social Care' provider, being objectively justified.

The Council recognises, as stated clearly in the consultation document, that in certain situations criterion such as age are used for beneficial and/or justifiable reasons e.g. Eye Sight Tests, Screenings, Vaccinations and Health checks, amongst others.

However, there is evidence that direct or indirect age discrimination, as well as unfair and harmful age-based practices have occurred.

Any exceptions included within future age discrimination legislation, could potentially allow harmful age-based practices to continue. In the fast changing treatment environment, it could also prove impossible to capture the extremely wide ranging

beneficial age-based practices which **should** be permissible into one specific 'Health and Social Care' exception.

The Council also believes that within 'Health and Social Care' each individual case should be assessed on its own merits, as each individual should be entitled to fair treatment regardless of the age bracket they fall into.

There are, and will be, cases within 'Health and Social Care' where age will be a factor in determining a treatment path. However an individual's age should never be used as a standalone measure.

For clarity, the Council recommends that OFMDFM issue further guidance on the type of circumstances where factors relating to age could be taken into account under the legislation, in addition to the few examples contained within the Consultation Document.

### **Financial Services**

OFMDFM is also seeking views as to whether future age discrimination legislation should include a specific exception for financial services.

Generally, the Council is in favour for a specific exception for financial services within future age discrimination legislation. However, age (with regards to financial services organisations) should only be used as a factor for determining prices when it is proportionate to other mitigating risks.

The Council therefore would be in support of introducing a specifically tailored exception with regards to future age discrimination legislation, as far as it is both 'fair and reasonable'.

With regards to financial services, the Council believes that there should be a legal requirement for organisations (such as insurers, etc) to proactively make data available in order to support any differences in pricing or premiums. With supporting evidence showing that prices for financial services are 'broadly fair', Council nevertheless is aware that there remains considerable mistrust amongst the public in relation to the use of age-related factors when calculating risks and ultimately prices/premiums. Further transparency on this is required, which in turn may lead to more understanding and an improved public confidence in the financial services industry.

It would also be beneficial for the Department to again promote awareness of any new legislation, any updates to the exception as well as examples of good practice. There are some examples outlined within the consultation document, which could be developed to assist both the public and financial service organisations.

## **Age Based Concessions**

The Council would again be in favour of future age discrimination including an exception for 'Age Based' concessions where this is required by other legislation e.g. age to buy cigarettes.

## **Sporting and Recreational Activities and Events**

The Council agrees that future age discrimination legislation should include an exception for 'Sporting and Recreational' activities and events. However, the exception should only be used for events/activities when this is publicly advertised from the outset. For example, the exception should not apply to organisations who promote an event as 'open to all', only to reveal an 'age limit' when participant(s) from a certain age-group(s) applies.

## **Need for Regular Review**

The Council also stresses the need for OFMDFM to regularly review any Age Discrimination Legislation, for example every two to five years. Issues such as the changes in retirement ages (and so on) could impact any existing legislation specifically dealing with age discrimination.

## **Other Extenuating Issues**

Within rural areas of the Fermanagh and Omagh District, similarly to other rural areas in Northern Ireland, there are a number of other issues which ultimately affect individual's ability to access goods, services, and facilities. For example funding cuts are currently adversely affecting rural transport on which some people, and particularly older people, are heavily reliant.

Therefore, when looking specifically at issues regarding discrimination regarding access to services, goods and facilities it is essential that a comprehensive rural impact assessment of the proposed legislation is undertaken.

## **Conclusion**

In conclusion, Fermanagh and Omagh District Council is supportive of the Office of First Minister and Deputy First Minister's 'Proposals to Extend Age Discrimination Legislation (Age Goods, Facilities and Services)'.

The Council is very keen to promote equality of opportunity for all and this proposed legislation acts in some way to remove age discrimination from the provision of goods, facilities and services.