

Commission must take “voice and choice” seriously

New independent research says that the forthcoming Commission for Equality and Human Rights (CEHR) must involve society's most disadvantaged groups in its own work and make it easier for them to have a role in decision making about public services generally.

Public Involvement and the Commission for Equality and Human Rights finds that involving the public goes far beyond consultation, and calls on the new body to develop a strategy for public involvement,

as well as taking a participatory approach to its own core activities and functions.

The report has been prepared to inform the taskforce working on the structure of the CEHR, the body whose remit was announced in a White Paper in May this year. For the first time religion and belief; sexual orientation; and age will be covered by an equality body, along with race, gender and disabilities. The new body will also have responsibility for the protection of human rights.

Gordon Lishman, the Director General of Age Concern England, which commissioned the research, said: “Age Concern England strongly endorses these conclusions. At present there is enthusiasm for involving people in decision making as part of the “voice and choice” agenda. However, unless participation strategies are sensitive to equality, diversity and inclusion they risk marginalising the weakest voices, including people at risk of discrimination and human rights abuses. We believe a commitment to inclusive public participation can play a major part in improving the quality and responsiveness of services.

“Age Concern is committed to promoting the voices of older people in all their diversity and we know this goes well beyond addressing

issues of age equality. Involving all older people in decision-making entails promoting equality and diversity across gender, race, disability, sexual orientation and religion or belief.”

The report's author, Clare Collins, commented: “The commission will be a new body with a remit that extends to every citizen. It will therefore need to reach out to people who have not had previous experience of equality bodies.

“Those making plans for the new commission, to be established in late 2006 at the earliest, will need to take seriously issues around public involvement and community participation if it is to engage effectively with the rapidly shifting structures of the British public sector. This is especially important within the context of the current “voice and choice” agenda.”

The Commission should:

- Promote the involvement and participation of excluded and vulnerable groups within public services, as part of its remit to promote equality, cohesion and human rights
- “Practise what it preaches” by promoting and facilitating the involvement and participation of excluded and vulnerable groups within its own work
- Incorporate into its work the values and perspectives of a wide cross-section of citizens
- Recognise that public involvement goes beyond consultation. Policy makers should consider how a statutory duty to consult and involve the full range of its stakeholders in carrying out its functions might be incorporated into legislation establishing the CEHR
- Become a centre of excellence by bringing together and disseminating good practice in the involvement of traditionally excluded or vulnerable groups within public services
- Develop from the outset a strategy for involving citizens in its own work. This should include clear outcomes, priorities, implementation plans and evaluation mechanisms
- Rather than view involvement as an “add on”, the commission should take a participatory and responsive approach to its core activities and functions. Public involvement should be built into strategic planning, policy development, service delivery, monitoring, research and investigations and inquiries



The new equality body needs to involve all citizens

Photo: Exileimages

Inside this issue...

- Call for overseas pension payments • Advocates essential for effective mental capacity legislation
- Public involvement in new equality body • Mandatory retirement decision looms

Call for Pension Credit on overseas visits

Age Concern England is calling on the Government to change the rules on Pension Credit to allow those visiting overseas to continue to claim for a longer period.

At present the benefit, which was introduced in October last year, is usually only paid for the first four weeks of a foreign trip. The charity wants payments to be made for a minimum of 13 weeks in line with other benefits, including those for housing and council tax.

Michelle Mitchell, Head of Public Affairs at Age Concern England, said: "We don't know how many older people lose entitlement to Pension Credit when they travel abroad but there are many reasons why they have to spend more than four weeks out of the country. Those on Pension Credit are, by definition, on low incomes and will want to stay for more than four weeks to make the trip worthwhile. The rule impacts particularly on people from black and minority ethnic communities whose family and friends are most likely to live abroad. Visits because of bereavement are likely to last more than four weeks – the initial period of mourning for Hindus and Muslims is 40 days."

"The current rule is unfair – an older person with family elsewhere in the UK could visit their relatives for as long as they wished without this affecting

their Pension Credit. It causes difficulties for many older people who must re-apply for Pension Credit on their return.

"Any additional expenditure incurred by the rule change would be more than outweighed by the improvements to older people's lives – and there would be administrative savings for the Pension Service and the advice agencies that have to guide people through the benefits maze on their return."

Ms Mitchell highlighted the case of an 83-year-old woman who was left without any income for three months because she travelled to Pakistan to bury her husband. Returning to the UK, she had to make a new claim for Pension Credit. As the woman was disabled and could not speak English or read or write in her own language, her local Age Concern advice worker visited her to help her complete the forms.

She was then visited by the Pension Service to verify the information and her case had to be considered to confirm that she met the "habitual residence test". Not only did she not receive Pension Credit during this time but her housing benefit was also stopped until the credit was granted. She had large rent arrears, was threatened with eviction and had to borrow money from friends to cope.



Photo: Getty Images

Pension Credit rules discriminate against those with family abroad

Working group to study loans for older students

The Government has announced a working group to study proposals to make student loans available to people aged 55 and over.

Currently loans are not available to this group and organisations including Age Concern England and NIACE, the National Council for Adult Continuing Education, have campaigned for this policy to be changed. They claim it

discriminates against older people.

Both bodies are to be invited to join the working group, along with politicians including Baroness Howe and Baroness Greengross.

Speaking in the Lords on June 15, Baroness Greengross said she was "delighted" by the move and thanked the Government for the attention they had given the issue.

"Buy now, pay later" culture bad for pensions

A Labour peer blamed the modern culture of "buy now, pay later" for people's reluctance to make provision for pensions they would collect many years later. Lord Lea was speaking during the Lords' second reading debate of the Pensions Bill on June 10.

The Bill includes measures to introduce a Pension Protection Fund, which will safeguard occupational pension funds. It

will also compensate 60,000 workers who have already lost out when their funds went bust over recent years. The Government has now set aside £400 million for this purpose which will be paid out over the next 20 years.

Former Treasury Minister Lord Higgins blamed the Government's corporation tax policies for the current shortfall in pension provision, but the

Work and Pensions Minister Baroness Hollis denied this was the reason for the current crisis. She said: "The key question is, will the Bill encourage both employers and employees to invest more in their pensions to protect against poverty and lack of income in old age?"

Lord Oakeshott, a pension fund investment manager, said: "No other issue in Britain

combines such economic, political and social significance."

Baroness Greengross called for a radical overhaul of the way state pensions and benefits are organised: "We need an all-party consensus on the matter. As a long-term policy will need to be adopted, we shall probably need a Royal Commission...to consider pensions across the board."

Pension Credit not the long-term solution

Nine out of ten pensioners receiving Pension Credit want the Government to provide a higher Basic State Pension, removing the need for means tested benefits, according to a new survey conducted for Age Concern England by the polling organisation BMRB.

The survey is the first to examine the attitudes and experience of Pension Credit claimants since the benefit was introduced in October last year. It finds that 73 per cent of those claiming believe that means testing puts people off applying for the benefit.

On a positive note, 85 per cent of those receiving Pension Credit said they would definitely recommend the

benefit to others and more than half (52%) said it had made a noticeable difference to their quality of life. One in four (27%) said they worried less about paying for essential items such as food and bills.

The Department for Work and Pensions now pays Pension Credit to more than three million older people in 2.5 million households, according to figures released in June. However, a third of those eligible for Pension Credit are missing out – many because they do not realise that they are entitled to the benefit, do not know about it or feel there is a stigma attached to applying for it and would rather “make do”.

Neil Churchill, Director of

Communications at Age Concern England, said: “This report calls into question the Government’s long-term pensions strategy. Pension Credit has targeted money at the poorest with some success but does not provide a lasting solution to pensioner poverty. The Government must design a system that will not only reduce poverty for today’s pensioners, but will provide future pensioners with a chance to build a decent retirement income.

“We will continue to help older people receive Pension Credit, but in the longer term we want to see the Government increase the Basic State Pension and turn its back on



Neil Churchill: improved Basic State Pension the way forward

means-testing in favour of a fairer system. All older people should be allowed the opportunity to achieve a higher non-means-tested income through a combination of state and private provision.”

Advocates essential for new Bill to work

Failure to ensure the availability of advocates could potentially reduce the effectiveness of the long-awaited Mental Capacity Bill, designed to protect millions of people with dementia, autism, learning disabilities or mental health problems.

The warning comes from the Making Decisions Alliance, a coalition of 39 charities including Age Concern England, which says the Bill has the potential to transform people’s lives for the better, but risks failure if the Government does not give more emphasis to the role played by advocates.

The Bill, which was given its first reading in June, sets out people’s rights to make their own decisions. There will be a presumption that people have the capacity to do so unless it is proved otherwise. The Making Decisions Alliance believes this is vital for the millions of people currently judged, often wrongly, to be incapable of making their own decisions. It will also give their carers more confidence in their rights to be consulted on the treatment and care given.

While the Bill is likely to recognise the contribution of independent advocacy in some cases, notably where people do not have any friends or family to help them make decisions, the Making Decisions Alliance

is calling for advocacy to be made available in other circumstances. This would provide additional safeguards against abuse and exploitation when life-changing decisions need to be made, for example

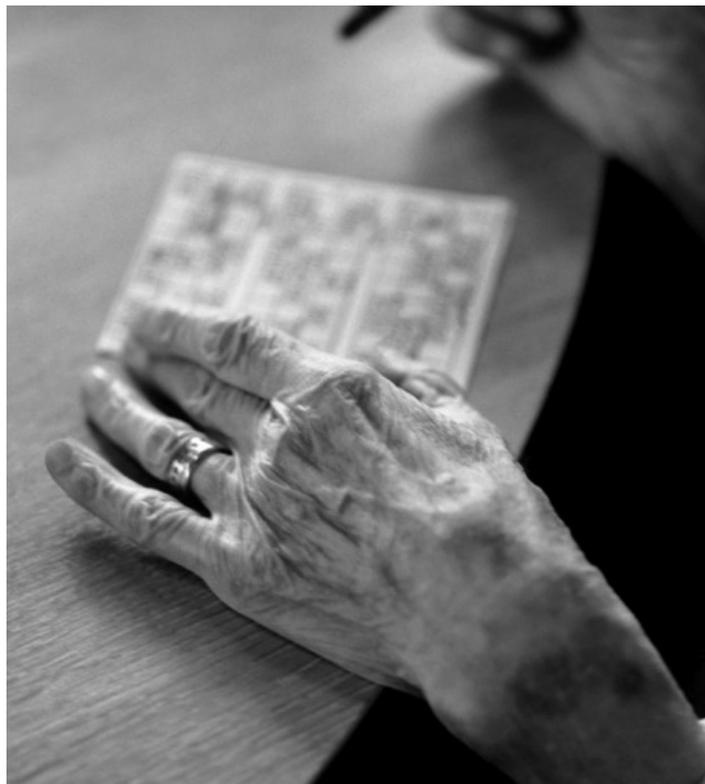
in the case of invasive surgery, long-term treatment, where people are to live or to help resolve areas of dispute.

Richard Kramer, co-chair of the Making Decisions Alliance, said: “We have been waiting for legislation for 15 years but this Bill will not achieve its aim of enabling people to take more control of their lives if advocates are not given more of a central role in representing those affected.

“Advocacy is vital to ensuring that people have a say in the decisions that affect their lives, and their availability protects the rights of those who need support to make decisions.

“This Bill is an opportunity for the Government to commit the resources and support to independent advocacy that have been absent from many previous initiatives, where independent advocates have received little more than kind words from Government.

“Above all, advocacy can play a critical role in assisting people to make and communicate decisions and to help enforce their rights.”



New bill must protect the vulnerable with independent advocates

Photo: Age Concern

Don't pay lip-service to "voice and choice"



Katie Ghose, Age Concern's representative on the Government's task force advising on the structure of the new Commission for Equality and Human Rights, argues that if the new body is to succeed, it must find ways to ensure that all citizens and especially the most disadvantaged in our society can play a full part in its work.

Organisations representing the interests of the most vulnerable in our society are rightly excited by the prospect of a new Commission for Equality and Human Rights. We all hope that it will make a huge difference to the lives of some of the most disadvantaged people. But it can, and should go beyond that – it must allow those people the opportunity to help set agendas for new areas of public policy, ensuring that what is done in their name is really what they want and need.

Giving these people a voice and the power to influence policy, decide where resources are directed and what strategies are employed will not be straightforward. We are talking about groups of people who are often not confident about speaking out, and who may not be easily identifiable. Many have never been given the opportunity to make their opinions known; some have difficulties with making their views heard for a variety of reasons, including disabilities, a poor education or because English is not their first language.



Photo: Age Concern

Including hard-to-reach groups will be a major challenge

Members of the task force, and those in government who will be making the ultimate decisions about the structure of the new commission, must act on every possible opportunity to include, listen to and work with the communities and individuals whose rights it will fight for.

The new research *Public Involvement and the Commission for Equality and Human Rights*, commissioned by Age Concern England, highlights many examples of good practice around the country which show that real

consultation with, and participation of, "hard to reach" groups can be achieved. These include the Black and Minority Ethnic Elders Forum, established in March 2002 with support from Age Concern England. The forum's aim is to represent and promote the interests of a wide range of people from many communities. It is open to community and voluntary organisations as well as interested individuals. The forum has direct representation, through two elected trustees, on Age Concern England's board and is gaining strength in numbers, national reach and confidence.

It is also clear that the commission needs to work with the public at large – acknowledging and promoting the fact that it is an equality body for everyone, since equality issues affect all of us and we all have human rights. Real dialogue and genuine opportunities for involvement in public policy making will bring benefits to both parties: public involvement is not a one-way street – it can provide insights that broaden and refresh the vision, approach and priorities of organisations. The challenge of those moulding the new commission is to create an organisation in which all this work can be sustained and allowed to flourish.

Other Viewpoints:

"The creation of a single Commission for Equality and Human Rights offers a new opportunity to support some of the most excluded and disadvantaged people in society, many of whom are women. If this opportunity is not to be missed, it is vital that these groups and individuals are given a voice at all stages. The new Commission needs to reach out to and involve a wide range of people: not just by occasional consultation, but through ongoing participation, and not just by asking questions, but by listening and responding."

Caroline Pearce, Policy Officer, The Fawcett Society

"The new Commission for Equalities and Human Rights will have to be willing and capable of listening to the views of those it claims to represent and protect. This is necessary both to ensure its credibility, but also to make sure that it will be effective in its work. Without awareness of the experiences of those of who face discrimination and the abuse of their rights, the Commission's attempts to promote and enforce rights will inevitably prove inadequate."

Colm O'Connide, Lecturer in Law, University College London

Charities call for end to mandatory retirement, questioning its legality

Age Concern England and Help the Aged are urging MPs to put pressure on the Government to end mandatory retirement ages.

The decision, which would be enshrined in legislation on age discrimination in the workplace due to come into force in December 2006, would end an employer's right to terminate employment on the basis of age.

The move originally appeared to have whole-hearted Government backing. In December 2002 the Minister for Work and Pensions, Andrew Smith MP, told the House of Commons:

"We propose to promote flexibility in retirement by building on the success of the New Deal 50-plus; legislating against age discrimination; ending compulsory retirement ages; and raising the normal pension age for most groups in the public services to 65 for all new entrants."

However, the Department for Trade and Industry is currently consulting on options including allowing employers to keep a

mandatory retirement age if it can be "objectively justified", and setting a national default retirement age at 70.

According to statistics from the Department for Work and Pensions, 40 per cent of employees do not have mandatory retirement applied to them. These people are most likely to work for small and medium sized companies, but larger employers, including the Nationwide and B&Q are among those who aim to keep older staff, and have actively recruited older workers.

Helen Simpson Age Concern's Senior Parliamentary Officer, said: "It's about rights. People who are willing and able to work should not be forced out of the workplace just because of their age.

"It's also the key to extending working life. In 2001 older workers' contributions made up approximately one third of the economy. We believe that this valuable contribution could improve if barriers such as mandatory retirement ages were abolished. We know that 18 per cent of

Age Concern England/Help the Aged believe:

- Mandatory retirement ages need to be scrapped – age should not be a proxy for competence
- Keeping mandatory retirement ages or having a national mandatory retirement age would let ageism in through the back door
- There is a strong argument that mandatory retirement ages will not be legal and will be incompatible with the EU Directive which the legislation will be based on
- Older workers should have the choice and flexibility to work as long as they are able to do so
- Ending mandatory retirement ages would fit in with the Government's objective to enable more older people to work if they want to

Older people and employment: facts and figures:

- More than half a million people over 65 are in work or want to work
- Of those aged 65 to 69, 16% are in work or want to work
- For the over-70s this figure is 3%
- The UK employment rate of over-65s is 8% below that of the USA, where there is no mandatory retirement age

older people working for employers without a mandatory retirement age chose to retire after state pension age, compared to seven per cent of those where there is a mandatory retirement age."

She added: "Abolishing mandatory retirement ages is the lynch-pin to effective legislation – without an end to them the whole law will unravel because they will be used to justify a denial of recruitment, training and promotion. It would stifle cultural change with a "countdown to retirement" culture continuing."

Commenting on the option to introduce a national default retirement age of 70, Kate Jopling, Parliamentary Officer for Help the Aged, said: "This may not be legal – it may be incompatible with the Employment Directive from which the legislation is derived and European law. Recital 14 of the Directive permits member states that already have national retirement ages to keep these in place. The UK has never had a national retirement age and since the 1980s access to the state pension has not been linked to retirement."

A member of the Pensioners' Parliament holds up the message he would most like his MP to take to party conference.

The Age Concern stand at the annual event, held in Blackpool this year, asked delegates to write down their suggestions for improving policy. The numerous ideas included better care standards, free transport for older people, abolishing means testing and producing more dentists.

The May parliament was organised by the National Pensioners Convention, which used the three days of seminars and workshops to inform its manifesto for the next General Election. A two-hour question and answer session allowed Labour MP Maria Eagle, Nigel Waterson MP for the Conservatives, Liberal Democrat MP Sandra Gidley and Jean Lambert MEP for the Greens to discuss their policies relating to older people.

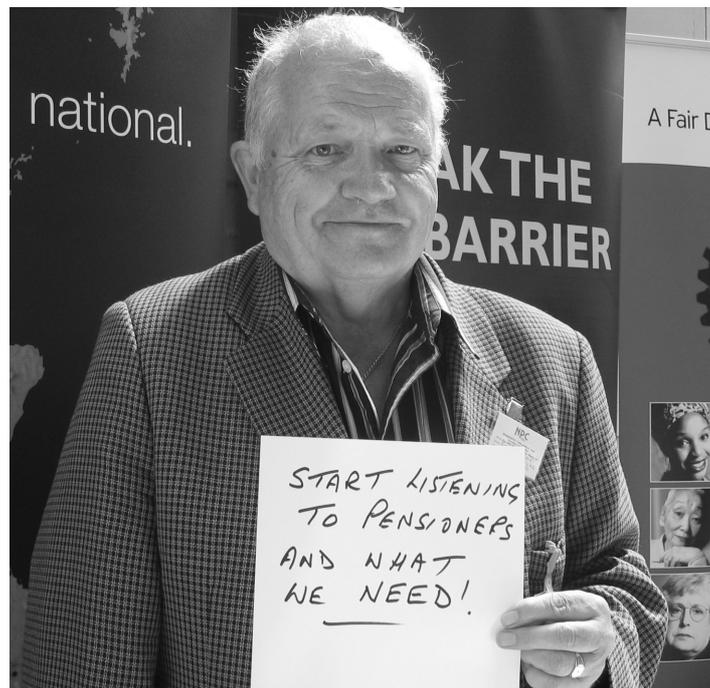


Photo: Ray Mitchell

Information

Diary Dates

All Party Parliamentary Group on Ageing and Older People

June

29 **Care Homes Market – Super-complaint made to the Office of Fair Trading on the care homes market**
5pm-6pm, Committee Room 13, House of Commons

July

14 **Mental Health and Older People – a discussion of the Inquiry being carried out by Age Concern and the Mental Health Foundation**
5pm-6pm, Committee Room 20, House of Commons

Parliament Summer Recess

From 22 July 2004 until 7 September 2004

Parliament Conference Recess

From 16 September 2004 until 11 October 2004

Reports

Communities Caring and Developing: Lessons from Hull. Joseph Rowntree Foundation report evaluating a three-year project in Hull aimed at developing the capacity of local communities to respond to their own support and community care needs.
<http://www.jrf.org.uk>

Managing the Risk and Effect of Falls among Older People in Care Homes: A Help the Aged report setting out steps care homes can take to reduce the risk of falls and injuries among residents.
<http://www.helptheaged.org.uk>

Property or Pensions? This Pensions Policy Institute report looks at whether property is a viable alternative source of retirement income to pensions.
<http://www.pensionspolicyinstitute.org.uk>



Reportage will take its annual break in August, returning in a new-look edition in September with a preview of the party conferences.

www.epolitix.com/forum/age-concern

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