

## What the Department of Health is doing on ending age discrimination and promoting age equality

The Government are committed to building health and care services that are personal, fair and diverse. The Equality Act 2010 (The Act) provides a clear opportunity for services to deliver such a service, where everyone counts.

*Achieving age equality in health and social care* made a series of recommendations about work at a national level on ending age discrimination and promoting age equality which is being co-ordinated by the Department of Health. The government's response to the key national recommendations is set out in *Age equality in health and social care*, a report on the consultation.<sup>1</sup>

The key points include:

a) **Breast cancer screening:**

The Advisory Committee on Breast Screening has welcomed the proposal and is considering a proposal on further research on the age criteria in the screening programme, building on the expansion of the criteria set out in the NHS Operating Framework 2010-11.

b) **Further work on exceptions to ban on age discrimination:**

The Government Equalities Office published a Policy Statement<sup>2</sup> in January 2010 which included a request for views on what uses of age should be able to continue, by whom, and the legal way forward which would lead to a full consultation planned for autumn 2010 on the draft Order that would specify any exceptions. Two possible exceptions were mentioned:

- individual professional judgement following a comprehensive assessment of the patient or service user's needs; and
- national public health programmes.

Since then, work is being led in the DH working with policy leads and external organisations to explore whether any exceptions are needed and what these should be. The approach will be consulted on in the Autumn.

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c) **Advisory non-departmental public bodies review their advice in the light of the legislation:**

The Department of Health will write to its advisory non-departmental public bodies to alert them to the requirements of the legislation and to the training and guidance available once the legislation receives Royal Assent.

<sup>1</sup>

[www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107278](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107278)

<sup>2</sup> [www.equalities.gov.uk/news/age\\_consultation.aspx](http://www.equalities.gov.uk/news/age_consultation.aspx)

*What the Department of Health is doing on ending age discrimination and promoting age equality* | This document is part of a toolkit available from [www.southwest.nhs.uk/age-equality.html](http://www.southwest.nhs.uk/age-equality.html) | May 2010

**d) Review the NHS and Adult Social Care resource allocation formulae:**

The Advisory Committee on Resource Allocation (ACRA) will be asked to review the NHS formula and the Department of Health will undertake a review of the relative weighting of the two Relative Needs Formulae for the two age bands in adult social care.

**e) Commissioning**

Our proposals for the NHS have been set out in the White Paper, Equity and Excellence. We are engaging on the proposals and consulting on specific elements. The proposals set out our plans for a more patient focused NHS, driven by improvements in health outcomes, with greater responsibility and autonomy for commissioning devolved to GP practices, co-ordinated by an independent NHS Commissioning Board, and the creation of an independent economic regulator to oversee provision. We are undertaking an Equality Impact Assessment on our proposals, to inform policy implementation following the consultation period.'

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The Department of Health has already included reference to equality issues, including for age, in the light of the Equality Act in the 2009/10 assurance process and aims to further develop this for the 2010/11 assurance process. .  
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**f) Data and performance measures:**

The Department of Health is working with the Health and Social Care Information Centre looking at the implications of the Equality Act for data collection and reporting, which includes issues related to age. The Department of Health is also working with the Association of Public Health Observatories who have produced health and social care profiles for local authorities and primary care trusts (PCTs) focusing on older people.<sup>3</sup>

The NHS Outcomes Framework should recognise the importance of reducing inequalities and promoting equality. As far as possible, outcomes will also be chosen so that they can be measured by different equalities characteristics and by local area. The delivery of outcomes is likely to vary according to geographic area and across different population groups. By collecting data that makes the outcomes understandable according to equalities characteristics and by area the Government and NHS Commissioning Board will be in a position to promote equality and tackle inequalities in outcomes.

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**g) Regulation of health and social care sector:**

The Department of Health is working closely with the Equality and Human Rights Commission on the development of guidance on the new legislation, and the Care Quality Commission is contributing to that process.

**h) Research:**

The Department of Health will keep under review its Research

<sup>3</sup> [www.wmpho.org.uk/olderpeopleprofiles/default.aspx](http://www.wmpho.org.uk/olderpeopleprofiles/default.aspx)

Governance Framework for Health and Social Care, to ensure compliance with the equality legislation. There is current good practice in this respect in the National Programmes of National Institute of Health Research and in the Department of Health Policy Research Programme.

Work on age equality will inform the existing work programme in organisations to address inequalities and will help with adopting the approach to improving equalities performance that will be set out in the Equality Delivery System (EDS) that will shortly be issued for consultation and subsequent implementation from April 2011.

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**Deleted:** The Equality and Inclusion Team, which provides strategic focus, leadership and coordination within the Department of Health on issues relating to equality and human rights, is responsible for the oversight of work on preparing for the implementation of the Equality Act. They are supported by the NHS Equality Delivery Team, which supports the Equality and Diversity Council, and the Social Care Policy and Innovation Team. The Equality and Diversity Council is currently developing its work programme which includes an approach to assurance that covers all the protected characteristics, including age.¶