



Commissioner for Older People
for Northern Ireland

10 June 2025

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Dear Claire,

RE: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services

I would like to begin by thanking you for your commitment to advance this vital piece of legislation that will challenge age discrimination in the provision of Goods, Facilities, and Services (GFS). Your continued efforts to move this legislation forward is greatly appreciated.

Legislative context: A significant gap in equality legislation

To begin, I will highlight the importance of this legislation for Northern Ireland. It has been long awaited, first promised in the 2012 - 2015 Programme for Government and progressing as far as public consultation in 2015. A decade on, individuals of all ages still lack legal protection against age-based discrimination when accessing GFS. This is despite individuals in neighbouring regions being protected under the Equality Act (England, Scotland, and Wales) and the Equal Status Act (Ireland). Importantly, Northern Ireland already has protections in place against discrimination on other grounds in the provision of GFS, under the Race Relations (Northern Ireland) Order 1997, the Sex Discrimination (Northern Ireland) Order 1976, and the Disability Discrimination Act 1995. As there is no equivalent legislation offering protection from age-based discrimination, this highlights a significant gap in Northern Ireland's equality law framework.

GFS legislation has been an issue of focus for the office of the Commissioner for Older People for Northern Ireland (COPNI) since 2013, when it was included in COPNI's first Corporate Plan.¹ COPNI has engaged with the issue since, issuing statements in 2014,^{2 3 4} 2015,⁵ and 2024.^{6 7} In 2024, COPNI provided written evidence to the Inquiry into Gaps in Equality Legislation,⁸ before presenting to the Committee for the Executive Office.⁹

¹ COPNI (2013) *Launch of Corporate Plan – Hope, Confidence, Certainty 2013 – 2015*. Available at: <https://copni.org/news/articles/launch-of-copni-corporate-plan-hope-confidence-certainty-2013-2015>

² COPNI (2014) *Executive will not meet commitment on age legislation*. Available at: <https://copni.org/news/articles/executive-will-not-meet-commitment-on-age-legislation>

³ COPNI (2014) *Commissioner: "Older people being failed by lack of political agreement"*. Available at: <https://copni.org/news/articles/commissioner-older-people-being-failed-by-lack-of-political-agreement>

⁴ COPNI (2014) *Commissioner for Older People calls for Anti-Age Discrimination Law*. Available at: <https://copni.org/news/articles/commissioner-for-older-people-calls-for-anti-age-discrimination-law>

⁵ COPNI (2015) *General Election 2015 – What the Commissioner wants the next Government to do for older people in Northern Ireland*. Available at: <https://copni.org/news/articles/general-election-2015-what-the-commissioner-wants-the-next-government-to-do-for-older-people-in-northern-ireland>

⁶ COPNI (2024) *Making our ageing population a priority*. Available at: <https://copni.org/news/articles/make-our-ageing-population-a-priority>

⁷ COPNI (2024) *The Commissioner for Older People and Age NI call for Northern Ireland's ageing population to be prioritised in the Programme for Government*. Available at: <https://copni.org/news/articles/the-commissioner-for-older-people-and-age-ni-call-for-northern-irelands-ageing-population-to-be-prioritised-in-programme-for-government>

⁸ COPNI (2024) *Inquiry into Gaps in Equality Legislation*. Available at: <https://copni.org/assets/general/resources/August-2024-COPNI-response-to-the-Committee-for-the-Executive-Office-Inquiry-into-Gaps-in-Equality-Legislation.pdf>

⁹ Northern Ireland Assembly (2024) *Official Reports: Minutes of Evidence*. Available at: <https://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=33788&evidId=17162>

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While COPNI has championed this issue on behalf of older people, the campaign has collective support across commissions. Together, with the Equality Commission for Northern Ireland (ECNI), and the Northern Ireland Commissioner for Children and Young People (NICCY), COPNI released a joint statement in 2014. This was the first, and only, joint statement released by the commissioners and highlights the importance of age-based GFS legislation.¹⁰

Legislative context: addressing concerns raised during the 2015 consultative period

Despite promises, and joint campaigning, GFS legislation was never brought into effect in Northern Ireland. At the time, addressing this legislative gap was described as “very complex”, due to alleged risks that it would impact instances of positive discrimination (older people’s groups, youth clubs, concessionary fares).¹¹ There was also debate on the age threshold of the legislation, which proposed to limit its applicability to individuals over the age of 16, adopting a similar stance to the Equality Act’s application to anyone over the age of 18. The debate included discussion on “the rights of parents”, and the concern that “parents may become the subject of litigation by their children and that the requirement for parental consent would be undermined”.¹²

These concerns are unwarranted and have been dismissed in an expert report commissioned by NICCY and ECNI. I would advise that you review this advice in full.¹³ It offers an overview of debate in the UK from 2009 – 2012, and in Northern Ireland, specific to the previously proposed legislation. It notes how:

“on 11 March 2013 a debate took place in the Northern Ireland Assembly at which numerous speakers expressed the view that under 18’s should be excluded from the proposed legislation... We will address the legitimacy of the concerns expressed there.”

In summary, the report highlights that:

- GFS legislation covering all ages is workable and is currently implemented in Australia, Belgium and Canada.
- GFS legislation can include exceptions, where required, and that this is common practice across discrimination legislation.
- GFS legislation that covers people of all ages is the only practical way to protect children and young people from GFS discrimination.
- Legislation would not ban age-specific GFS (for example, immunisation programmes, age-based groups or clubs). It would however mean that service providers would have to offer a good rationale for excluding specific age groups.
- GFS legislation would not apply to parents in their private capacity. It will only impact providers of goods, facilities, and services.
- GFS legislation would not overrule parental consent. For example, a school nurse will still require parental consent to administer a vaccine under classically protective obligations.
- GFS legislation will not impact concessionary fares (cheaper tickets, kids-go-free holidays), as these schemes are founded in a rationale to alleviate financial hardship.

¹⁰ COPNI (2014) *NI Commissioner’s call for age discrimination protection for all*. Available at: <https://copni.org/news/articles/ni-commissioners-call-for-age-discrimination-protection-for-all>

¹¹ Northern Ireland Assembly (2014) *Age Discrimination Legislation relating to Goods, Facilities, and Services: OFMDFM Briefing*. Available at: <https://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/april-2014/age-discrimination-legislation-relating-to-goods-facilities-and-services-ofmdfm-briefing/>

¹² Northern Ireland Assembly (2014) *Age Discrimination Legislation Commissioner for Older People for Northern Ireland; Mr Robin Allen QC*. Available at: <https://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/april-2014/age-discrimination-legislation-relating-to-goods-facilities-and-services/>

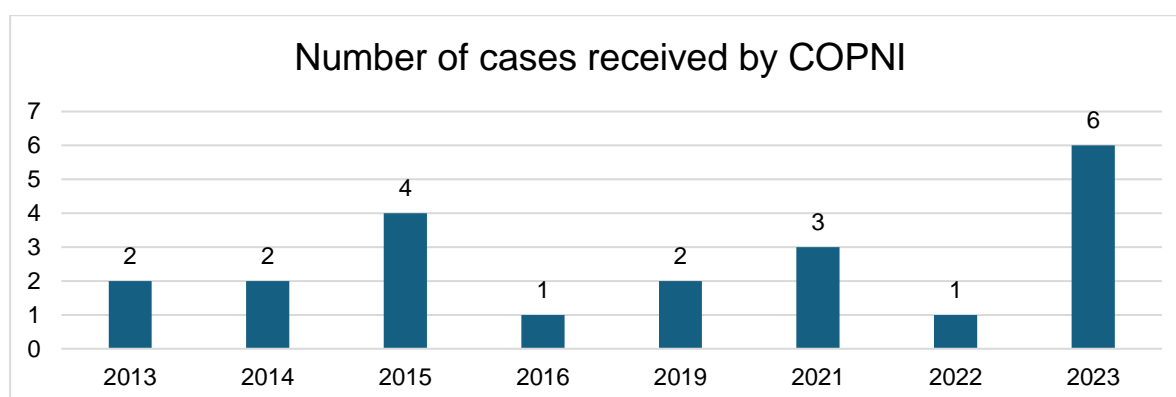
¹³ Allen and Masters (2013) *Strengthening Protection for all Ages: Protecting Children and Young People against unlawful age discrimination in the provision of goods and services*. Available at: <https://studylib.net/doc/18471568/strengthening-protection-for-all-ages?>

- GFS legislation will not mean shopkeepers won't be able to limit the number of children entering their shops. They can, if their justification is valid, and not based solely on age-based stereotypes
- GFS legislation will introduce extra obligations for service providers. Arguments regarding the difficulty or disruption this causes does not undermine the principal reason for such legislation – equality.

Evidence of Age Discrimination

You ask respondents to identify whether they have felt discriminated against when accessing GFS. I would first note that people sometimes do not recognise when they are a victim of age discrimination “due to the long-standing nature of societal rules, norms, and practices”.¹⁴ The Northern Ireland Life and Times (NILT) survey demonstrates what this can mean in practice. Questions included in its 2017 iteration suggests people aged 65 and over were less likely than most other age groups to think older people were treated worse than the general population, because of their age.¹⁵ This, and the fact that age discrimination related to GFS is still legal, are two barriers that may limit your evidence gathering.

Despite these barriers, there is still substantial evidence warranting a change to GFS legislation in Northern Ireland. COPNI has received 21 enquiries relating to GFS discrimination between 2013 and 2024. Reports to COPNI peaked in 2015, during the initial consultation period, and again in 2023, following the COVID-19 pandemic. Reasons for enquiries relate to access to state support (8 reports), access to services (5), health and social care provision (4), insurance (2), housing (1), and elections (1). Notably, ECNI also received 32 enquiries in the last year.



Specific, significant, examples of discrimination are evidenced elsewhere. In a healthcare setting, a report from Queen's University Belfast in 2014 highlights that older people are being denied proper access to cancer care, often as a result of their age.¹⁶ The Equality Impact Assessment (EQIA) of the Mental Health Strategy 2021-2031 also points out that a cut off age of 65 has, in effect, been in place to determine pathways in accessing mental health services.¹⁷ ECNI, in 2014, further notes how a potential client's specialist home help was replaced by

¹⁴ Insight into the nuance of age discrimination is available in COPNI's (2024) *Are you ageist?* report. Available at: <https://copni.org/assets/general/resources/are-you-ageist-copni-report-on-ageism-in-northern-ireland.pdf>

¹⁵ Northern Ireland Life and Times Survey (2017) *Do you think that older people are, on the whole, treated better or worse than people in the general population in this country because of their age?* Available at: https://www.ark.ac.uk/nilt/2017/Attitudes_to_Older_People/OTREAT.html

¹⁶ Medical Press (2014) 'Older people are denied proper access to cancer care' according to Queen's study. Available at: <https://medicalxpress.com/news/2014-03-older-people-denied-proper-access.html>

¹⁷ Department of Health (2021) *Mental Health Strategy 2021 – 2031 Equality Impact Assessment*. Available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-mhs-eqia.pdf>

“elderly” home help due to age, leading to a reduction in support quality.^{18 19} This is a long-standing issue and similar cases are reported in media over ten years later.²⁰

Offering a final example relevant to a healthcare setting, COPNI released a statement, co-signed by the Older People’s Commissioner for Wales and senior age sector representatives from across the United Kingdom, that highlighted how a potential blanket “do not attempt resuscitation” order during the COVID-19 pandemic for older and vulnerable people would be discriminatory.²¹ Notably, while this blanket decision risked breaching the conditions of the Equality Act in Britain, there would be less grounds to challenge this in Northern Ireland, if the decision had progressed.²² While this is an extreme example, it highlights how political decision-making in Northern Ireland has resulted in a significant gap in legal protections for older people.

Finally, the need to introduce legislative protection is also evidenced in other areas, as demonstrated by recent departmental EQIAs. Successive EQIAs demonstrate how government decision-making consistently disproportionately impacts older people. COPNI notes in its response to the 2025/26 Department of Finance (DoF) EQIA that *“Age groups (and older people in particular) in this budget are subject to the greatest cumulative impact across all the Section 75 groups”*. As older people are more likely to have a long-term condition that limits their day-to-day activity and are more likely to provide care, COPNI suggests that *“these three groups (age, disability and dependants) are the groups most impacted by the Budgets of the different departments”*. Further detail is outlined in COPNI’s full response to DoF.²³ Other recent EQIA responses outline risks linked to specific department actions.^{24 25 26} As public services fall within the scope of GFS legislation, introducing legislation is a much-needed step to empower and protect older people.

Scope of Protection

Your consultation asks whether age discrimination protection should apply to all ages, individuals aged 16 and over, or individuals aged 18 and over. COPNI’s powers and duties relate specifically to the interests of older people. Therefore, COPNI will welcome any legislation that addresses the gap in equality legislation for older people. COPNI however also recognises the importance of the entire lifespan, understanding that disadvantages experienced earlier in life can have a lasting impact as an individual grows older.²⁷ The

¹⁸ Institute for Conflict Resolution (2014) *Strengthening Protection for All Ages against Age Discrimination outside the Workplace*. Available at: <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Age-Discrimination-ICR-Final-Report-Final.pdf>

¹⁹ ECNI’s report includes a further 8 case studies, relating to insurance, access to a credit card, access to facilities, and retail.

²⁰ BBC (2025) *My disabled mum is being forced to retire from her day centre*. Available at: <https://www.bbc.co.uk/news/articles/cd027dkkm5lo>

²¹ COPNI (2020) *Protecting the rights of older people: Commissioner’s joint statement on older people being pressured to sign Do Not Attempt CPR forms*. Available at: <https://copni.org/news/articles/protecting-the-rights-of-older-people-commissioners-joint-statement-on-older-people-being-pressurised-to-sign-do-not-attempt-cpr-forms>

²² Even with the Equality Act in place, between March 2020 and March 2021, over 500 “do not attempt resuscitation” decisions were made in England. BBC (2021) *Covid-19: Concern over ‘do not resuscitate’ decision during pandemic*. Available at: <https://www.bbc.co.uk/news/health-56435428> <https://www.bbc.co.uk/news/health-56435428>

²³ COPNI (2025) *Draft Budget 2025-26 Cumulative Equality Impact Assessment*. Available at: <https://copni.org/assets/general/resources/February-2025-COPNI-response-to-DoF-Draft-Budget.pdf>

²⁴ COPNI (2025) *Draft Budget 2025-26 Equality Impact Assessment Public Consultation*. Available at: <https://copni.org/assets/general/resources/February-2025-COPNI-response-to-Draft-Budget-2025-26-Equality-Impact-Assessment.pdf>

²⁵ COPNI (2024) *Consultation on Department for Communities’ Budget 2024-25 Allowances*. Available at: <https://copni.org/assets/general/resources/August-2024-COPNI-response-to-DfC-Budget-EQIA-2024-25-Final-Version.pdf>

²⁶ COPNI (2024) *Budget 2024/25 Equality Impact Assessment Public Consultation*. Available at: <https://copni.org/assets/general/resources/July-2024-COPNI-response-to-Department-for-Infrastructure-Budget-2024-25-Equality-Impact-Assessment-Public-Consultation.pdf>

²⁷ Melo, Guedes and Mendes (2022) *Theory of Cumulative Disadvantage / Advantage*. Available at: https://link.springer.com/referenceworkentry/10.1007/978-3-030-22009-9_751

negative impact of restricted legislative scope is even reflected in the former Office of the First Minister and Deputy First Minister's analysis:²⁸

"This policy may mean that children and young people aged under 16 may not be able to access the particular age based services that they need, and they may therefore be placed at a disadvantage compared with those aged 16 and over. This may have a particular adverse impact on children and young people aged under 16 who experience other forms of discrimination... who may not be able to access particular services that they require due to age, such as counselling, extra support in schools, and health and social care services." – GFS consultation document 2015

COPNI is therefore of the position that if younger people are protected from age discrimination earlier in life, this will help create a fairer society and will have a positive impact on their wellbeing when they become an older person. It is also in the interest of many of the older people that COPNI represents that their younger relatives receive adequate protection under law. COPNI representatives set out this position during the Committee for the Executive Office evidence session on 25 September 2024:²⁹

"It remains contradictory to develop age discrimination legislation to protect older people without also including younger people. No anti-discrimination legislation should exclude any particular group because of perceived complexity. When COPNI consulted older people, many expressed the view that they wanted to see the legislation extended to their children and grandchildren."

"It is a point about inequality and a cumulative disadvantage over time. For someone in a particular marginalised group, as they get older, the disadvantages, such as through health issues, that they experienced early in life will become more impactful as they age."

The Northern Ireland Commissioner for Children and Younger People (NICCY) and Equality Commission for Northern Ireland (ECNI) also advocate for legislation for all ages. I referenced their expert paper at the outset of this letter. The facts included within this analysis should dispel common misconceptions relating to GFS legislation for all ages.

Priority of Issues

Your consultation asks which area the legislation should prioritise, education, health and social care, financial services, or other areas. While it is important that GFS legislation is implemented at an appropriate level across all facets of our society, older people face specific vulnerabilities in a healthcare setting, as outlined previously in this consultation response. Additional evidence included in Equality Commission for Northern Ireland (ECNI) reporting suggests health and insurance were the main areas of concern for older people, followed by other money matters and access to public areas.³⁰ In the context of continued service reduction, GFS legislation will be a vital safeguard for older people, playing a role in ending withdrawal or refusal of services due to age.

²⁸ Office of the First Minister and Deputy First Minister (2015) *Proposal to extend age discrimination legislation (Age, Goods, Facilities, and Services)*. Available at: https://www.executiveoffice-ni.gov.uk/sites/default/files/consultations/ofmdfm_dev/age-gfs-consultation.pdf

²⁹ Northern Ireland Assembly (2024) *Official Reports: Minutes of Evidence*. Available at:

<https://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=33788&evidID=17162>

³⁰ Institute for Conflict Resolution (2014) *Strengthening Protection for All Ages against Age Discrimination outside the Workplace*. Available at: <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Age-Discrimination-ICR-Final-Report-Final.pdf>

Rights and equality

Your questionnaire asks how legislation should address human rights and equality concerns. You suggest the incorporation of input from the Equality Commission (ECNI) and Northern Ireland Human Rights Commission (NIHRC), and / or that the legislation addresses human rights and equality specifically within its provisions. COPNI would advocate for the inclusion of both measures. Both ECNI and NIHRC have statutory mandates to promote equality and protect human rights. Their expertise will be an asset in identifying gaps, risks, and establishing best practices when drafting this important legislation. They will also be able to offer assurances and help align the legislation with Section 75 duties, the European Convention on Human Rights, the UN Convention on the Rights of Persons with Disabilities, and soft law commitments such as UN Principles for Older People. Finally, COPNI proposes that the legislation references a commitment to human rights and equality standards specifically within its provisions. Doing so signals a clear commitment to established standards.

Age-based practices and exceptions

Your questionnaire suggests that some age-based practices may be justified, such as age-based discount programmes or private clubs related to age. You ask whether the legislation should allow exceptions or should prohibit age-based practices entirely. COPNI is of the position that these types of age-based exceptions, as forms of positive discrimination, are acceptable and non-controversial, and that a process for exceptions can be set out clearly within the legislation.

In other areas, however, like insurance or treatment access, the legitimate scope of exceptions is less clear. COPNI is of the position that decisions made in these areas should not be made based on age as a lone indicator, but this can vary between countries. The European Commission's (EC) review of age discrimination law outside of the employment field can offer clarity on how each country applies exceptions. Financial and insurance services, in particular, is an area in which the strength of protections vary significantly between countries. EC notes:

"Financial and insurance service providers often assert that age is a relevant factor in assessing risk for the provision of a financial or insurance product and that as a result access to such products should be either denied, minimised or provided at a much higher cost depending on the age of the applicant".

Member states respond differently to this claim:

"There is a scale of responses in Member States ranging from not restricting financial and insurance service providers in any way to restrictions detailing how such providers are to operate so as to comply with age discrimination laws."

Importantly, EC notes:

"There are a growing number of Member States which are taking more proactive steps to reduce potential discrimination based on age by requiring more probing actuarial evidence either in combination with a reasonableness test or more particularly a full legitimate justification and proportionality test."

As such, COPNI proposes that you review the processes of Member States with more robust rules around exceptions (e.g., Belgium, Ireland, Germany, and Portugal). While there is a temptation to develop the legislation based on the Equality Act's position, assessing trends internationally, and adopting and incorporate similar processes into Northern Ireland's draft legislation, could place Northern Ireland as a world leader in GFS protection for older people.

Enforcement and Accountability

Your consultation asks what measures should be in place to enforce the legislation and hold violators accountable. You offer options such as increased powers for ECNI, for government departments, and the issuing of fines. COPNI would suggest that you speak with the Equality and Human Rights Commission in England and Wales to understand their role and experience enforcing the Equality Act in Britain, and also that you assess what measures work in other regions with similar legislation. Robust enforcement mechanisms are essential to ensure that the legislation is effective in practice. Experience from the Equality and Human Rights Commission in Britain demonstrates the value of not only strong statutory powers and clear enforcement procedures, but also the importance of access to judicial review and the courts for individuals seeking redress. Ensuring that affected individuals and groups have accessible and affordable routes to challenge discrimination, including through the legal system, is a vital aspect of meaningful protection, as reflected in both British and Irish legal frameworks.

Mitigations and Alternatives

Your consultation asks if this legislation will have any potential adverse impacts, and if there are any alternative measures to GFS legislation. COPNI does not foresee any negative impacts from this legislation. It is a vital, non-controversial, piece of legislation that should be in place to limit age discrimination.

I hope the information provided above supports your work. I am very keen to see this matter progress and would be happy to work further with you. If we can provide any further research or evidence-base for this work I would be happy to discuss collaboration.

Yours sincerely,



Siobhan Casey
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