**Proposals to Extend Age Discrimination Legislation (Age Goods, Facilities and Services), Consultation Questionnaire**

This questionnaire aims to provide you with an opportunity to comment on the development and potential content of legislation to end age discrimination in the provision of goods, facilities and services, charities, premises, education, public functions and private clubs and associations.

It is intended that through this document you will have an opportunity to put forward your views to help inform these draft policy proposals.

This questionnaire should be completed in association with the consultation document available at [www.ofmdfmni.gov.uk/age-discrimination-legislation](http://www.ofmdfmni.gov.uk/age-discrimination-legislation).

An Executive Summary of the proposals to extend age discrimination legislation is also available at [www.ofmdfmni.gov.uk/age-discrimination-legislation](http://www.ofmdfmni.gov.uk/age-discrimination-legislation).

Additional copies of this questionnaire, the consultation document and the Executive Summary can be obtained from the Office of the First Minister and deputy First Minister by:

Telephone: 028 90523433

Email: [age@ofmdfmni.gov.uk](mailto:age@ofmdfmni.gov.uk)

Fax: 028 90523272

Textphone: 028 9052 2526

Or by writing to:

Age GFS Consultation   
Room E3.18  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SR

The documents can also be viewed and downloaded from the OFMDFM website at [www.ofmdfmni.gov.uk/age-discrimination-legislation](http://www.ofmdfmni.gov.uk/age-discrimination-legislation).

Alternative formats of the documents can also be made available on request and you should forward any such requests using one of the methods detailed above.

Responses should be received no later than **5pm on Thursday 8 October 2015** by completing an online survey (<https://www.surveymonkey.com/s/AgeGFS_Consultation>).

Written responses to this consultation should be submitted in writing or by email to the addresses above.

Please note that all responses will be treated as public, and may be published on the OFMDFM website. If you do not want your response to be used in this way, or if you would prefer for it to be used anonymously, please indicate this when responding (See Statement of Confidentiality and Access to Information at the end of this questionnaire). There is no obligation, however, to provide your name and other contact details should you not wish to provide them.

During the consultation period we will meet with groups and individuals who are particularly interested in these policy proposals. Details of these consultation events are available on our website [www.ofmdfmni.gov.uk/age-discrimination-legislation](http://www.ofmdfmni.gov.uk/age-discrimination-legislation) or by contacting us using the details above.

Thank you for taking the time to complete this questionnaire and for giving us your views.

**Your Details**

### 1. Name:

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### 2. Preferred contact address:

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### 3. Preferred contact telephone number:

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### 4. Preferred Email address:

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### 5. Are you responding as an individual or does this response represent the views of an organisation? (Please tick ONE response)

Individual 🞎 (Please go to Question 8)

Organisation 🞎 (Please go to Question 6)

### 6. If responding on behalf of an organisation, please tell us your organisation's name:

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### 7. What is your role in this organisation?

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**Demographics**

### 8. Are you..........? (Please tick ONE response)

Male 🞎

Female 🞎

Other (please specify)

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### 9. What was your age at your last birthday? (Please tick ONE response)

0-15 🞎

16-19 🞎

20-24 🞎

25-34 🞎

35-49 🞎

50-64 🞎

65+ 🞎

### 10. Are you......? (Please tick ONE response)

Single, that is never married 🞎

Married and living with husband/wife 🞎

Living as married with a partner (Co-habiting) 🞎

Married and separated from husband/wife 🞎

Divorced 🞎

Widowed 🞎

Civil Partner in a legally-recognised Civil Partnership

and living with civil partner 🞎

In Civil Partnership – separated 🞎

In Civil Partnership - legally dissolved 🞎

In Civil Partnership - partner since died 🞎

### 11. Are you......? (Please tick ONE response)

Bisexual 🞎

Gay 🞎

Lesbian 🞎

Heterosexual 🞎

Prefer not to say 🞎

Self defined other (please specify)

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### 12. Do you have any dependants in your care? (Please tick ALL that apply)

Child/Children 🞎

Elderly relative 🞎

Sick or Infirm relative 🞎

Disabled relative 🞎

None 🞎

Other (please specify)

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### 13. The Equality Act (2010) defines disability as a physical or mental impairment that has a 'substantial' and 'long-term' (more than 12 months) negative effect on your ability to do normal daily activities. Under this definition, do you consider yourself to have a disability? (Please tick ONE response)

Yes 🞎

No 🞎

**Evidence of age discrimination**

There is some evidence that age discrimination can exist in areas such as health and social care, financial services, retail services and accommodation services.

As well as clear potential examples of age discrimination, we are also aware of a wider range of areas in which people experience other negative barriers because of their age or perceive age discrimination towards themselves in these areas. We are aware that many older people in particular are treated with less respect and consideration because of their age when accessing goods, facilities and services.

### 14. Are you aware of any evidence of age discrimination in the provision of: (See Chapter 2, Section 9 of the consultation document) (Please tick yes or no for EACH provision listed)

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| --- | --- | --- |
|  | Yes | No |
| Goods, facilities and services |  |  |
| Charities |  |  |
| Premises |  |  |
| Education |  |  |
| Public functions |  |  |
| Private clubs and associations |  |  |

### In any other provision? (Please list in space provided)

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### 15. Please provide any other information you think may be relevant to this question in the space below.

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**Proposed scope – Age**

We propose to extend protection from discrimination on grounds of age in the provision of goods, facilities and services, charities, premises, education, the exercise of public functions, and private clubs and associations to everyone aged 16 and over.

### 16. How strongly do you agree or disagree with our current proposal to extend protection against age discrimination to those aged 16 and over? (See Chapter 3, Section 2 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Proposed scope - Goods, facilities and services**

We want to make sure that people are treated fairly by anyone who supplies goods, provides a service, or makes facilities available to the public or a section of the public. It is also important that we are as clear as possible about the responsibilities of those people and organisations that provide goods, facilities and services, as well as those circumstances when it is acceptable to treat people differently on grounds of age, so that everyone knows where they stand.

The term ‘goods, facilities and services’ is used in equality legislation to denote a very wide range of activities provided to the public or a section of the public, whether paid for or not, by a service provider in the public, private and voluntary sector.

The term ‘service provider’ is used in equality legislation to mean any person or organisation that provides goods, facilities or services to the public or a section of the public, whether paid for or not. In practical terms, a ‘service provider’ could be a public authority, an individual, a private company, a charity, a voluntary organisation, or a private club or association.

### 17. How strongly do you agree or disagree with how we have defined the concept of goods, facilities and services? (See Chapter 3, Sections 3.1 to 3.8 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below. If you disagree please provide details of what you would like to see added to or changed in the proposed definition.

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### 18. How strongly do you agree or disagree with how we have defined the concept of a service provider? (See Chapter 3, Section 3.9 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Proposed scope - Public functions**

We want to make sure that people are treated fairly in the exercise of public functions. We also want to make sure that public authorities are clear about their responsibilities and know when it is permitted to treat people differently on grounds of age.

The Human Rights Act 1998 describes a public authority as “any body certain of whose functions are functions of a public nature”. In relation to private or voluntary organisations this covers activities carried out on behalf of the state and which are not similar in kind to services that could be performed by private persons.

We propose that the meaning of the term ‘public function’ in relation to age discrimination should be consistent with this approach, and would include, for example, the decisions of Ministers, policing functions and the policy-making decisions of government organisations.

### 19. How strongly do you agree or disagree with our current proposals that any future age discrimination legislation should apply to public functions? (See Chapter 3, Section 4 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 20. How strongly do you agree or disagree with how we have defined the concept of a public function? (See Chapter 3, Section 4 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Proposed scope - Private clubs and associations**

We want to make sure that people are treated fairly by private clubs and associations. We also want to ensure that private clubs and associations are clear about their responsibilities and know when it is permitted to treat people differently on grounds of age.

Consistent with other equality legislation we define ‘private clubs and associations’ as organisations with at least 25 members where admission to membership is regulated by its constitution.

### 21. How strongly do you agree or disagree with our current proposals that any future age discrimination legislation should apply to private clubs and associations? (See Chapter 3, Section 5 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

Please provide any further views that you may have on our proposal **in the space below.**

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### 22. How strongly do you agree or disagree with the way that we have defined the concept of private clubs and associations? (See Chapter 3, Section 5 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Proposed scope - Charities**

We want to make sure that people are treated fairly by charities and to ensure that charities are clear about their responsibilities and know when it is permitted to treat people differently on grounds of age.

### 23. How strongly do you agree or disagree with our current proposals that any future age discrimination legislation should apply to charities? (See Chapter 3, Section 6 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Proposed scope - Premises**

We want to make sure that people are treated fairly in relation to the sale, letting or management of premises. We also want to ensure that those who are selling, letting or managing premises are clear about their responsibilities and know when it is permitted to treat people differently on grounds of age.

### 24. How strongly do you agree or disagree with our current proposals that any future age discrimination legislation should be applied to premises? (See Chapter 3, Section 7 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Proposed Scope - Education**

We want to make sure that people are treated fairly in matters relating to education. We also want to ensure that those who are in charge of educational establishments are clear about their responsibilities and know when it is permitted to treat people differently on grounds of age in relation to access to goods, facilities and services.

In a context where children and young people are required to stay in education until the summer after their 16th birthday but, where there is a choice of pathways for young people aged 16-18, governed usually by the need to meet set criteria, we need to consider very carefully the impact of extending these proposals to young people from the age of 16.

We have commenced work on assessing the impact and any unintended consequences of extending anti discrimination legislation in the provision of goods, facilities and services to services in the education sector and we will consult further with the relevant provider bodies and stakeholders over the next few months.

### 25. Are you aware of any issues which may affect how these proposals would apply in the provision of goods, facilities and services in the education sector? (See Chapter 3, Section 8 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### If yes, please provide further detail on these issues in the space below.

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### 26. Are you aware of any issues which would result in any unintended consequences in the provision of goods, facilities and services in the education sector? (See Chapter 3, Section 8 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### If yes, please provide further detail on these issues in the space below.

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### 27. Are there any areas where specific exceptions would be required to ensure that certain age-based practices would be allowed to continue under any future age discrimination legislation? (See Chapter 3, Section 8 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### If yes, please provide further detail in the space below.

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**Discriminatory behaviour - Direct discrimination**

Direct discrimination is the simplest and most easily recognisable form of discriminatory behaviour in equality legislation. In relation to age discrimination, we propose that unlawful direct discrimination would occur if someone, on grounds of age (or perceived age), treats someone else less favourably than he or she treats, or would treat, other persons in circumstances that are the same or not materially different, unless this can be objectively justified. We also propose that direct discrimination would occur when someone is treated less favourably because of their association with another person of a particular age.

### 28. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include direct discrimination? (See Chapter 3, Section 11 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 29. How strongly do you agree or disagree with the way that we have defined the concept of direct discrimination? (See Chapter 3, Section 11 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Discriminatory behaviour - Indirect discrimination**

We propose that unlawful indirect discrimination would occur if someone applies to another person a provision, criterion or practice which he or she applies or would apply equally to persons of a different age group, but which puts or would put people of the same age group at a particular disadvantage when compared with other persons, and which puts, or would put, the particular person at that disadvantage, unless this can be objectively justified.

### 30. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include indirect discrimination? (See Chapter 3, Section 12 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 31. How strongly do you agree or disagree with the way that we have defined the concept of indirect discrimination? (See Chapter 3, Section 12 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Discriminatory behaviour - Harassment**

We propose that harassment would occur where, on grounds of age, someone engages in unwanted conduct which has the purpose or effect of violating another person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them if, having regard to all the circumstances, including in particular the perception of the person, it should reasonably be considered as having that effect.

### 32. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include harassment? (See Chapter 3, Section 13 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 33. How strongly do you agree or disagree with how we have defined the concept of harassment? (See Chapter 3, Section 13 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Discriminatory behaviour - Victimisation**

We propose that victimisation would occur where someone treats another person less favourably than he or she treats or would treat other persons in the same circumstances because that person has, in good faith, complained of alleged discrimination on grounds of age or assisted someone else to do so.

Victimisation would also occur if someone is treated less favourably by that person because they brought proceedings against them or someone else, they gave evidence or information in relation to proceedings brought by someone else, they alleged that someone had committed an act that would be contrary to a ban on age discrimination, or they intended to or were suspected of committing any of these things.

### 34. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include victimisation? (See Chapter 3, Section 14 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 35. How strongly do you agree or disagree with the way that we have defined the concept of victimisation? (See Chapter 3, Section 14 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other types of discriminatory behaviour**

There are a number of other types of discriminatory behaviour which are commonly prohibited under equality legislation on other protected grounds. These types of behaviour are discrimination after a relationship has come to an end, discriminatory practices, discriminatory advertisements, instructions to discriminate, pressure to discriminate and aiding unlawful acts.

### 36. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include: (See Chapter 3, Section 15 of the consultation document) (Please tick ONE response for each type of discriminatory behaviour)

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| --- | --- | --- | --- | --- | --- |
|  | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
| Discrimination after a relationship has come to an end |  |  |  |  |  |
| Discriminatory practices |  |  |  |  |  |
| Discriminatory advertisements |  |  |  |  |  |
| Instructions to discriminate |  |  |  |  |  |
| Pressure to discriminate |  |  |  |  |  |
| Aiding unlawful acts |  |  |  |  |  |

### Please provide any further views that you may have on our proposal in the space below.

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**General provisions - Objective justification**

We recognise where there are some circumstances in which it may be fair and appropriate to treat people differently on grounds of age.

Objective justification allows for age-based treatment to be justified in particular circumstances. Objective justification may be established if a service provider can show that the treatment complained of is a proportionate means of achieving a legitimate aim. This is known as the ‘objective justification test’ and it is a well established concept in equality law. Service providers would have to meet this test to be allowed to continue with age-based practices that are not covered by another general provision or specific exception under any future legislation.

### 37. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include a provision for an objective justification test? (See Chapter 3, Section 17 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 38. How strongly do you agree or disagree with how we have defined the ‘objective justification’ test? (See Chapter 3, Section 17 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**General provisions - Positive action**

We propose that service providers should be allowed to take positive action measures to treat people in a particular age group more favourably where those actions are a proportionate means of achieving the aim of overcoming disadvantage, meeting the different needs of the particular age group or increasing the participation of a particular age group in the particular activity.

### 39. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include a provision for positive action? (See Chapter 3, Section 18 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 40. How strongly do you agree or disagree with the way that we have defined the concept of positive action? (See Chapter 3, Section 18 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**General exceptions - Exception for statutory authority**

In some cases, it may be necessary for those who provide goods, facilities and services, charities, those who sell, let or manage premises, providers of education services, those who exercise public functions, and private clubs and associations to discriminate in order to comply with a requirement of another piece of law, such as health and safety regulations. We propose that, where it is required by law, different treatment on grounds of age should not be considered discrimination. This exception would apply to aged-based treatment required under both current and future legislation.

### 41. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include an exception for statutory authority? (See Chapter 3, Section 20 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other general exceptions**

We propose to include a number of other general exceptions relating to:

• Immigration – We propose to include an exception to allow authorities to treat some people differently because of their age, where this is necessary to give effect to immigration law and policy (See Chapter 3, Section 21 of the consultation document);

• Charities - We propose to include an exception in any future legislation to allow charities that have been legitimately established to continue to limit benefits to persons of a specific age group or to causes which may affect people of one age group more than another (See Chapter 3, Section 22 of the consultation document);

• Premises - We propose to include specific exceptions for those who wish to privately dispose of residential premises that they own and occupy, and for those who provide accommodation to others in their own home, in specific circumstances (See Chapter 3, Section 23 of the consultation document);

• Care within the family – We think that it would be helpful for any future legislation to include a clear exception for care within the family to ensure that there is legal certainty that any age-based treatment within this context should not amount to discriminatory behaviour (See Chapter 3, Section 24 of the consultation document);

• Services generally provided for people who share a protected characteristic - It is common for other equality legislation to include an exception for services that are generally provided for people who share a protected characteristic and we propose that any future legislation prohibiting age discrimination should be consistent with the protections already in place in relation to this (See Chapter 3, Section 25 of the consultation document); and

• Other general exceptions - There are a number of other general exceptions which are commonly included in equality legislation to exclude certain public bodies which exercise certain constitutional and judicial functions from the scope of equality legislation on other grounds. The purpose of these exceptions is to ensure that those bodies are able to discharge these particular functions fully independently. We propose that any future ban on age discrimination in the provision of goods, facilities and services should include the same exceptions (See Chapter 3, Section 26 of the consultation document).

### 42. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include general exceptions for: (See Chapter 3, Sections 21 to 26 of the consultation document) (Please tick ONE response for EACH potential exception)

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|  | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
| Immigration |  |  |  |  |  |
| Charities |  |  |  |  |  |
| Premises |  |  |  |  |  |
| Care within the family |  |  |  |  |  |
| Services provided for persons who share a protected characteristic |  |  |  |  |  |
| Other general exceptions |  |  |  |  |  |

**Please provide any further views that you may have on our proposal in the space below.**

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### 43. How strongly do you agree or disagree with how we have defined the following concepts: (See Chapter 3, Sections 21 to 26 of the consultation document) (Please tick ONE response for EACH potential exception)

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|  | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
| Immigration |  |  |  |  |  |
| Charities |  |  |  |  |  |
| Premises |  |  |  |  |  |
| Care within the family |  |  |  |  |  |
| Services provided for persons who share a protected characteristic |  |  |  |  |  |
| Other general exceptions |  |  |  |  |  |

### Please provide any further views that you may have on our proposal in the space below.

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### 44. Are there any other activities or functions that you consider should be covered by a general exception (See Chapter 3, Sections 20 to 26 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### If yes, please provide further detail in the space below.

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**Health and Social Care**

We propose that all health and social care services should be included in the scope of any future age discrimination legislation, without any specific exceptions.

We think that the objective justification test and other general provisions and exceptions would provide clear principles that could be applied in all circumstances to determine whether age-based treatment is fair and appropriate and should be allowed to continue.

### 45. How strongly do you agree or disagree with our current proposal that health and social care should be included in the scope of any future age discrimination legislation, without any specific exceptions? (See Chapter 4 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Financial Services**

We propose that any future age discrimination legislation should include a specific exception to allow financial service providers to continue to use a person’s age as a criterion in designing financial services products.

We propose that all risk assessments so far as they involve a consideration of age, must be done by reference to information which is both relevant to the assessment of risk and from a source on which it is reasonable to rely.

This proposed approach is identical to that adopted in Great Britain under the Equality Act 2010 as amended by the Equality Act 2010 (Age Exceptions) Order 2012.

### 46. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include a specific exception for financial services? (See Chapter 5 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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### 47. How strongly do you agree or disagree with the proposed exception to allow financial service providers to continue to use age as a criterion to design and price financial products, provided that all assessments of risk, insofar as it involves a consideration of age, must be based on relevant information from a source on which it is reasonable to rely? (See Chapter 5 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

**Please provide any further views that you may have on our proposal in the space below.**

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**Other specific exceptions - Age-based concessions**

We would propose to include an exception to continue to allow a service provider or someone exercising a public function to provide benefits, rights or privileges that make the manner in which a service is provided, or in the terms in which a service is provided, more favourable for people of a particular age group than is usually provided to the public or a section of the public.

However, a service provider or someone exercising a public function would not be permitted to offer an age-based concession that would have the effect of deterring people who do not qualify for them from accessing a service at all, or of unreasonably making access to a service difficult or impossible for those people who are outside the target age group.

### 48. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include an exception for age-based concessions? (See Chapter 6, Section 2 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other specific exceptions - Age-related holidays**

A small number of tour operators design, market, offer and sell holidays for people who wish to holiday with people of a similar age. We propose to include a specific exception in any future age discrimination legislation to allow this age-based treatment to continue.

### 49. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include an exception for age-related holidays? (See Chapter 6, Section 3 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other specific exceptions - Sporting events**

Age limits and age bands are used in numerous sporting and recreational activities and events, leagues and training sessions. These age-based practices may be considered fair and appropriate, and in some cases necessary.

We think that it would be helpful to include a specific exception in any future legislation to provide legal certainty on the circumstances in which age limits or bands are acceptable in sport.

### 50. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include an exception for sporting and recreational activities and events? (See Chapter 6, Section 4 consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other specific exceptions - Residential park homes**

Residential park homes are sites where static caravans are used as permanent places of residence. They are predominantly used by people aged over 50 and the owners of these sites often stipulate a lower age limit for residents to ensure that the sites retain the character and qualities that appeal to their core market.

We think that this type of age-based treatment is fair as it relates to people’s individual preferences to live among people of a similar age. We think it would be helpful to provide a specific exception for residential park homes, as there may be some uncertainty about whether these would be considered a ‘service’ or ‘premises’.

### 51. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include an exception for residential park homes? (See Chapter 6, Section 5 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other specific exceptions - Private clubs and associations**

We propose to include a specific exception for age-based concessions in private clubs and associations in any future legislation. Under these proposals, private clubs and associations would be permitted to offer or determine eligibility for concessions purely on grounds of age.

We also propose to include a specific exception to allow private clubs and associations to restrict membership on grounds of age, for example by restricting membership only to students or people aged over 50.

These exceptions would only apply to private clubs and associations with at least 25 members and where admission to membership is regulated by rules and includes a process of selection.

### 52. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include exceptions for private clubs and associations? (See Chapter 6, Section 6 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Other specific exceptions - Age restricted schemes**

Age restricted schemes are schemes operated voluntarily by some retailers to prevent the purchase of age-restricted products, such as alcohol and tobacco, by people below the legal age, such as the ‘Challenge 21’ and ‘Challenge 25’ schemes.

We propose to include a specific exception for age-restricted schemes in any future age discrimination legislation. The exception would only apply to goods and services which are subject to a statutory age and when the retailer has clearly displayed that they will ask for proof of age in this way. The retailer would be permitted to refuse to sell age restricted products to a person who does not provide satisfactory identification when asked to do so.

### 53. How strongly do you agree or disagree with our current proposal that any future age discrimination legislation should include an exception for age restricted schemes? (See Chapter 6, Section 7 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Any other exceptions**

Throughout Chapters 4 to 6 in the consultation document we have considered and proposed a number of specific exceptions that would allow certain age-based treatment to continue if age discrimination legislation is put in place in the future.

We are keen to find out if there any other areas of activity that you consider should be covered by an exception in any future age discrimination legislation.

### 54. Are there any other areas of activity that you consider should be covered by an exception in any future age discrimination legislation? (See Chapters 4 to 6 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### If yes, please provide further detail in the space below.

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**Implementation and enforcement**

We want to make sure that people are clear about their rights and responsibilities under any future age discrimination legislation and can challenge unfair treatment and practices if they do occur.

We think that it makes sense that the enforcement and implementation provisions of any future age discrimination legislation are consistent with other equality legislation. These are outlined in Chapter 7 of the consultation document, including the proposed role of the Equality Commission for Northern Ireland.

### 55. How strongly do you agree or disagree with our current proposals for the enforcement and implementation provisions of any future age discrimination legislation? (See Chapter 7 of the consultation document) (Please tick ONE response)

Strongly agree 🞎

Agree 🞎

Neither agree nor disagree 🞎

Disagree 🞎

Strongly disagree 🞎

### Please provide any further views that you may have on our proposal in the space below.

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**Draft Equality Impact Assessment**

Section 75 of the Northern Ireland Act 1998 requires all public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

• Persons of different religious belief, political opinion, racial group, age, marital status and sexual orientation;

• Men and women generally;

• Persons with a disability and persons without; and

• Persons with dependants and persons without.

In addition, without prejudice to this obligation, public authorities must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

The purpose of the draft Equality Impact Assessment is to consider the impact of the policy proposals to extend age discrimination legislation on each of the nine Section 75 groups, to identify any adverse impacts and, if necessary, to consider any possible changes or actions required to mitigate any adverse impacts.

The draft Equality Impact Assessment represents our current thinking based on the available information and evidence base. This may change when we analyse your views and review any additional information and evidence. We are open to hearing all your views and these will help us to refine and finalise the policy proposals and the draft Equality Impact Assessment.

### 56. Are you aware of any other evidence or data which you think we should take into account in this Equality Impact Assessment? (See Draft Equality Impact Assessment, Annex A, Section 3 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### Please provide details of any additional evidence and any other comments you may have on the available evidence and data in the space below.

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### 57. Have the potential equality impacts of our proposals been correctly identified and assessed? (See Draft Equality Impact Assessment, Annex A, Section 4 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### Please provide any comments or views that you may have on the assessment of impacts in the space below.

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### 58. Have the potential mitigation measures and alternative policies been correctly identified and assessed? (See Draft Equality Impact Assessment, Annex A, Section 5 of the consultation document) (Please tick ONE response)

Yes 🞎

No 🞎

### Please provide any comments or views that you may have on the possible measures in the space below.

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### 59. Please provide any further comments or views that you may have in relation to this Equality Impact Assessment in the space below.

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**Further Comments**

### 60. If you have any further comments you wish to make in response to this consultation please do so in the space below.

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**Confidentiality and Access to Information Legislation**

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information legislation: these are chiefly the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice (section 45) with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Office of the First Minister and deputy First Minister.

For further information about confidentiality of responses please contact the Information Commissioner’s Office on 028 9026 9380 or email [ni@ico.gsi.gov.uk](mailto:ni@ico.gsi.gov.uk) (or see their website at [www.ico.gov.uk](http://www.ico.gov.uk)).

### 61. Please tick below if you wish your response to be treated as anonymous.

I want my response to be treated as anonymous 🞎