

PARITY

The Beginning

When planning the first Sex Discrimination Act (1975) in the early 1970s, it is believed that Barbara Castle had wished to include an equal state pension age of 60 in its remit, but later dropped this idea when Prime Minister Jim Callaghan responded with '*do you want me to bankrupt the country?*' Nor did it feature in the subsequent 1984 Sex Discrimination Act. An equal age of 66 for both sexes in Britain had to wait until 2018. The age for both sexes is at present legislated to rise to 67 by 2028 for both sexes and then to 68 by 2039.



The issue of an equal state pension age erupted again in February 1986, when the European Court of Justice ruled in the *Marshall* case⁽¹⁾ that, although state pension ages could be different for comparably employed men and women, compulsory retirement ages had to be equal for them.

For those resident in European Union countries already with equal pension ages for men and women, this made little difference. However, for those resident in those EU countries still with unequal pension ages generally, such as the UK, such arrangement was perverse, since for most people in employment retirement is regarded as synonymous with pension.

The ruling also reinforced the UK government persistence with unequal state pension ages for men and men, which since 1940 had been 60 for women and 65 for men. The original Old Age Pension scheme set up by Lloyd George in 1908 had been based on an equal retirement age of 70 for both men and women. The age was reduced by Government to 65 in 1925, and the women's age further reduced to 60 in 1940 at the beginning of the War, although the reasons for this are unclear. From 1948, men had to retire as well as reach 65 to claim the new Retirement Pension paid under the National Insurance Scheme,

The *Marshall* decision, and the range of other statutory provisions which discriminated against men, including the lack of financial support for widowed fathers, led to increasing concerns that, although discrimination against women was being corrected, nothing was being done about discrimination against men. The pension age difference also applied to the widespread extent of discriminatory treatment of older men in non-statutory concessions, such as higher entrance charges applying to men than to women in their early sixties (ie up to 65) to cinemas and theatres, football grounds, municipal swimming facilities, and to statutory concessions such as public bus travel and medical prescription charges.

A few weeks following this decision, and unbeknown to each other, a letter from David Yarwood, a chartered civil engineer, to the *Guardian*, and one by

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David Lindsay, a solicitor, to *The Times*, on such issues, were published during the same week. The two Davids made contact with each other by telephone and arranged to meet in a London pub, *The Old Rose* in Medway Street, where they were joined by three other concerned men via the Equal Opportunities Commission (EOC).

At the pub meeting, it was agreed to form an organisation to campaign on such issues.

The Campaign for Equal State Pension Ages (CESPA) was accordingly launched at Manchester Town Hall on the 29 August 1986 with David Lindsay appointed as Chairman, Geoff Alderton as Vice-Chairman, David Yarwood as Hon Secretary, and John Bennett as Treasurer. CESPA did not espouse a particular equal state pension age, only that it should be equal for men and women.

Legal Actions

The main European Council Directive applying to matters pertaining to social security is Council Directive 79/7/EEC of 19 December 1978⁽³⁾. Article 7 of the Directive allows Member States to exclude pensionable age from its remit provided reasonable explanation is given. Any critical challenge, therefore, could not be directed at the UK's unequal state pension ages but possibly could be against the unequal number of contribution years that men and women in consequence had to contribute (44 and 39 respectively) for their eventual generally equal state pensions.

Following discussions, CESPA managed to persuade the EOC to take a case on this particular aspect to the European Court of Justice (ECJ). Although the Advocate General was sympathetic, the full Court later ruled that altering the number of contribution years could 'imperil the stability of the existing financial equilibrium' of the UK National Insurance Scheme, and so rejected the application.

With this direct way closed to equalisation of state pension age, CESPA then decided to pursue more specific targets. First, in a case brought by member *Cyril Richardson*, challenging the unequal ages applying to men and women for free National Insurance medical prescriptions. In its eventual response in 1995, the ECJ ruled that the provision of medical prescriptions was nothing to do directly with state pension age and that unequal ages in this respect were thus in breach of the Directive⁽⁴⁾.

Two years later, CESPA backed a similar case by member *John Taylor* on winter fuel payments, when again the ECJ ruled in 1999 that such provision had no direct connection with state pension age and was also in breach of the Directive⁽⁵⁾.

Such legal applications were generally possible at that time at modest legal cost if they could be shown to be in the public interest, and some legal

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charges averted. This, of course, is no longer the case with subsequent changes in eligibility for legal aid.

With local authorities still providing statutory bus travel schemes with charges based on state pension ages, CESPAs backed a further case by member *Michael Matthews* on this issue, this time to the European Court of Human Rights. Legislation introduced by the Government in 2001 still had concessionary travel based on pension age. However, the ages for such travel were equalised in 2003 at 60, possibly as a result of the ECHR case by *Michael*, with settlement on a 'friendly' basis. In contrast, British Rail and private bus companies had already been obliged to apply an equal concessionary age for some years, as a result of the Sex Discrimination Act.

The eventual 1995 Pensions Act provided for equalising the state pension age for women to 65 over the period 2010 to 2020 and to 66 for both sexes by 6 October 2020. Subsequent legislation requires the age for both sexes to increase to 67 by 2028 and to 68 by 2039.

Continuing Activity

Following this equalising legislation, CESPAs continued to involve itself in other perceived sex inequality issues, with much debate and correspondence. The organisation changed its name to PARITY in 1997 to reflect growing concern about unequal treatment in other respects. In January 2005, following changes in human rights law, it finally gained charitable status (1107795).

During its peak time in the early 90s, its membership rose to over twelve hundred, as sex inequality issues steadily became more mainstream. Much credit for this expansion must go to the membership secretary for many years, John Bennett, who, together with other members, wrote to countless local newspapers and other news sources about the country to generate interest and support. Members were encouraged to protest, politely, wherever they saw in shop windows, or other display areas, price or entry notices based on state pension age.

During the early years, much time was spent by CESPAs officers contacting sympathetic unions, MPs, organisations, and individuals which or who showed serious sympathy with the cause. The Rt Revd Richard Harries, Bishop of Oxford, was the honorary President for five early years, and Baroness Seear a Vice-President. CESPAs had several MP's on its notepaper during later years, including Gwyneth Dunwoody, George Foulkes, Andrew Bowden and Martin Bell, the journalist.

In July 2007, PARITY organised a conference at the Royal Society of Medicine in London to draw attention to boys' increasing educational underachievement, this being subsidised by a £10,000 grant from the National Lottery.

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CESPA receives no public funding and could never afford an official office. The work of the organisation has generally been carried out voluntarily in the homes of the Officers most concerned, with usually six Trustees meetings each year in London to decide policies and priorities. In the early days of CESPA, the Annual General Meeting was occasionally held outside London, for instance once each in Bristol, Newcastle-upon-Tyne and Birmingham, in order to try to reach more members. In recent years it has been held at the Union Jack Club in London, with an invited speaker, and Trustees meetings have been kindly hosted at its London offices by the union *New Prospect*.

The Future

The main current concerns of PARITY include the widening gap in boy's education, lack of effective support for male victims of domestic abuse, demotion or absence of fathers in family life, and the steadily increasing criminalisation of younger males. There is also a real need for men to have a stronger parliamentary voice on men's issues.

Education

Young women are increasingly dominating higher education, both in the sixth form and at university. Girls take more A-level subject papers than boys, and tend to get better results. In year 2017/18, in the UK, girls took some 446,000 A-level subject papers, compared to boys with only 365,000, a female proportion of about 55%^(a). In the papers taken, some 188,000 boys achieved a top grade (A*, A or B) compared to 242,000 girls.

The three subjects with most papers taken were mathematics (boys 60.7% of total), biology (girls 63.2%) and psychology (girls 75%). However, of these only in mathematics did boys exceed girls in the top grades.

Whilst such achievement by girls is to be welcomed, it does lead to the question as to why boys have been, or are being overtaken in this way.

Indeed, the Equalities and Human Rights Commission now admits that some working class white boys are so far behind classmates they should get special treatment like traveller children and the disabled^(b). Official data shows that white boys on free school meals are 13 points behind disadvantaged black pupils in key phonic literacy skills when they start school. By the age of 16, the average GCSE score for white boys is just 29.5, compared to 40.5 for Asian disadvantaged boys, based on their score for eight GCSEs.

Three times as many boys are excluded as girls while black and traveller children are at least three times more likely to be excluded than white pupils.

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The increasing success at school by girls seems to be matched in securing places at university level. *The Times* of 26 January 2017 reported 'that teenage girls were outperforming their male rivals in securing places at Oxford and Cambridge Universities. Young women received the same number of offers as men to study at Oxford in the current academic year, even though fewer women applied. At Cambridge, women received only 30 fewer offers than men even though 900 fewer applied'.

Because there are fewer 18-year old women than men in the population, at both universities a higher proportion of all female 18-year olds than of all male 18-year olds secured places.

The intake of 18-year old women straightforwardly outnumbered young men at all other Russell Group universities except Imperial, LSE, and Warwick, which all have a focus on science or economics'.

Male victims of domestic abuse

There now exist internationally hundreds of scholarly investigations, studies and reviews relating to the incidence of domestic violence or abuse in many countries all revealing that women can be as, or more, aggressive than men in relationships. In England Wales, and other countries, annual official sweeps of the population indicate consistently that at least one in three of victims who have suffered some form of domestic abuse are male. Police forces in England and Wales now record annually about one in four being male victims.

Even so, the issue has been dominated during the past forty or more years, certainly in many advanced countries, by a sexual politics which focuses mainly on the welfare of women. As a result, the issue of male victimisation has been politically ignored, and it is only comparatively recently, in many countries, that more serious attention is being given to it. Even so, in the UK, there are still few facilities for male victims and their children as a result of minimal funding and few political champions.

In England and Wales, the definition of domestic violence or abuse has recently been extended to include psychological abuse and coercion. The charity Mankind Initiative^(c) has claimed that the police are so far tending to ignore male victims of this, in particular those separated fathers regularly denied access to their children. Despite their officially now known victimisation, concern and funding for male victims is still insubstantial compared to that for female victims.

It is not yet clear whether or not the proposed UK domestic violence Bill will address the present disparity in attitude towards male victims, compared to female victims, and the current severe lack of resources for them.

Although a slightly more sympathetic attitude to male victims is now evident, resources for them, especially for fathers with children, are

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scarce. A 2018 study by PARITY^(d) of the extent of support provided by the thirty two London Boroughs found a marked difference between Boroughs in the support provided, particularly for male victims. Although male victims in London can be measured in thousands each year, there is little emergency provision for single male victims, except through charities, and nothing to compare with the extent of refuge accommodation available to female victims. Female victims in the London Boroughs have access to 28 refuges - there are none designated in the London area for male victims (and their children, if any).

The PARITY report concluded that there is a clear numerical distinction between the numbers of DVA victims in the London Boroughs reporting to the Metropolitan Police and the much smaller number actually presenting to the Boroughs and elsewhere in respect of services. Some current services for victims generally in the London area are hosted under a Violence Against Women and Girls title and more are planned by the London Councils. Such titling surely will dissuade many male victims from actually using them, and certainly is contrary to the spirit of equality.

The situation for fathers who decide they cannot cope at home with their situation and must leave can be especially grim, since as well as continuing contact problems, as 'single' male persons their Borough is unlikely to help them with alternative accommodation. Some of such victims are likely to remain homeless, particularly if unemployed.

The problem and extent of violence by women, and mothers in particular, in Norway, was first highlighted by the Norwegian Minister of Children and Gender Equality, some 12 years ago, according to a report by Kristine Hovda (English translation in November 2007^(e)).

The Minister reported under the sub-heading of 'Women's Violence is a Taboo Subject' that one in five (20%) children in Norway had experienced violence committed by their mother and 14% by their father. The research also found that women's violence generally is increasing. In 2004, Hilde Pape published a research report on violence in couple relations that showed women in Norway are as equally violent as men.

Fathers in family life

The prediction made many years ago by Bertrand Russell that the combination of feminism and the welfare state will reduce the role of fathers to that of household pets, is all too true for increasing numbers of fathers. In social and welfare policy, the head of the household is now deemed to be the main carer, not the provider, and welfare monies are aimed in that direction. A separated father who also looks after his child or children for part of the week, receives no portion of the benefits and payments still made to the mother if she is regarded as the 'main carer'.

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The secretive Family Courts rarely see fit to give custody to the father where there is parental disagreement. Fathers are also likely to face discrimination over flexible working hours. Indeed, it is claimed that a work-life balance is increasingly stressful for fathers as it has been for many mothers, sometimes because some employers are less sure of their legal obligations to fathers than to mothers^(f).

A mother can choose to register the birth of a child on her own if she isn't married to the child's father, the father's details not being included at all on the birth certificate. With about half of all couples not now marrying, this not only impacts on fatherhood but is likely to complicate future genealogy.

The new rules limiting availability of legal aid only to domestic abuse cases, has seen also a rise in the numbers of people, mostly males, falsely accused of abuse by their partners and given non-molestation orders even if not present to defend themselves. It will be interesting to see whether divorced parents who set their children unfairly against former partners will be similarly proscribed?

Is the old despised patriarchy just being steadily replaced, not by equality, but by increasing feminisation, and what will this hold for the future of both sexes?

Existing statutory sex discriminations

These include particular differences in treatment and benefits for mothers and fathers, which are now aimed at the main child carer rather than the main earner. For example, child benefit is not divisible even when a separated father looks after the child(ren) full-time or for part of a week. For comparison, in Sweden, fathers caring for their children are now entitled to a proper share of any relevant child benefits.

PARITY continues to work on all these issues.

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Winter Fuel Payments Inequalities Case

**Outside the European Court of Justice for the Hearing
Strasbourg - 8 July 1999**



Dinah Rose
Barrister

John Taylor
CESPA

Philip Leach
Legal Director
Liberty

David Lindsay
Legal Adviser
CESPA

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CESPA Key Participants - June 1993

President	The Rt Revd Richard Harries, Bishop of Oxford
Vice Presidents	Andrew Bowden MBE MP George Foulkes MP Baroness Seear Lord Ennals Mel Read MEP Winnie Ewing MA MEP
Chairman	Maurice Oldfield
Vice-Chair	Dr Reg Harrison
Hon Secretary	David Yarwood
Hon Treasurer	John Bennett
Legal Adviser	David Lindsay
Committee members	Arthur Hassell Harold Rhodes
Auditor	P.S. Rogers
Actuary	P. Chadwick
Computer system	John Bacchus
Research	Patrick Carroll
Retirement organisations	E. Brent

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David Hughes (Newport)
J. Valentine (Scotland)
J. Sullivan (Cardiff)
R. Heyworth (Edinburgh)

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Legal Actions

- (1) Marshall v Southampton Health Authority. European Court of Justice (1986) Case 152/84, [1986] ECR 723 (Helen Marshall)
- (2) James v Eastleigh Borough Council, House of Lords, 14 June 1990 (PeterJames)
- (3) Directive 79/7/EEC, 19 December 1978 – progressive implementation of the principle of equal treatment for men and women in matters of social security. Ruling 7 July 1992 (EOC)
- (4) Case no C-137/94, ECJ 19 October 1995 (Cyril Richardson)
- (5) Case C-382/98, ECJ 16 December 1999 (John Taylor)

Other References

- (a) Joint Council for Qualifications, Provisional GCE A Level Results, June 2018. All UK Candidates. Subject results by Grade and Gender. [https:// www.jcq.org.uk/examination-results/a-levels/2018/main-results-tables](https://www.jcq.org.uk/examination-results/a-levels/2018/main-results-tables)
- (b) *Daily Telegraph*, 25 February 2019
- (c) *Daily Telegraph*, 13 August 2018
- (d) *Equal Services for All?* Domestic violence/abuse Services in London. Enquiry into DVA services provided by London Boroughs in 2016/17. General results. PARITY March 2011
- (e) Norwegian Minister of Children and Gender Equality Worried about Taboo Subject of Women's Violence, Kristine Hovda, 26 November 2007 (translated by Peter Tromp and Anders Kleppe)
- (f) Working fathers face discrimination over flexible hours. *Daily Telegraph*, 27 November 2017

Archive

Much CESPAs and PARITY material has been archived at the Hull History Centre, Worship Street, Hull HU2 8BG (tel 01482 317502, e-mail hullhistorycentre@hcandl.co.uk under Ref U DPY).

To look at relevant detailed Archives at Hull History Centre – See website link below

<http://catalogue.hullhistorycentre.org.uk/files/u-dpy.pdf#page=1&zoom=auto,-267,842>

and/or a hard copy attached.

By David Yarwood

26 March 2019