

**JOINT AGREEMENT ON GUIDANCE FOR AGE
EQUALITY IN EMPLOYMENT IN FURTHER
EDUCATION**

BETWEEN

THE ASSOCIATION OF COLLEGES (AoC)

AND

**ASSOCIATION FOR COLLEGE MANAGEMENT
(ACM)**

**ASSOCIATION OF TEACHERS & LECTURERS
(ATL)**

GMB

UNIVERSITY AND COLLEGE UNION (UCU)

**TRANSPORT & GENERAL WORKERS' UNION
(TGWU)**

UNISON

1 September 2006

Joint Agreement on Age Equality in Employment in Further Education

1. Introduction

- 1.1 This Joint Agreement on guidance has been developed to equip colleges to meet their obligations under the European Directive on equal treatment in employment, which covers age discrimination and which comes into effect in Britain on 1 October 2006. This agreement applies to all employees, including those employed on permanent and fixed-term contracts, both full and part-time.
- 1.2 This guidance is based on the knowledge that employing the right person to do the right job and having an age diverse workforce are the principles of good practice. It is recognised that age discrimination is prevalent within today's society. This joint agreement on guidance aims to eliminate age discrimination within colleges.
- 1.3 Age discrimination prevents people of all ages from realising their full potential in the workplace and society. Age equality helps the college deliver better services to its staff, students and local community.

2. Our Commitment

- 2.1 The college celebrates a culture of diversity and is committed to equality of treatment for all employees. It will practise equality in the operation and implementation of all its employment policies. The college should treat all employees with respect and dignity, and seek to provide a positive working environment free from discrimination, harassment or victimisation on the grounds of age.
- 2.2 The college recognises the valuable contributions made by staff and students of all ages, in terms of qualities of experiences brought to learning, teaching, support services, research, consultancy, administration and management. It advocates adult and lifelong learning and expects to benefit from employing workers of all ages at all levels of responsibility and across all areas of work.
- 2.3 The college will work in partnership with recognised unions to combat age discrimination and ensure equality irrespective of age. It will ensure that its equality policies are comprehensive and include age discrimination.
- 2.4 The college will work towards the elimination of prejudice and discrimination, whether overt or covert, and will seek to ensure that all staff have equal access to the full range of college facilities, regardless of their age.
- 2.5 As well as respecting the specific needs of staff at either end of the age spectrum, the college will seek to fulfil its duty of care to all staff, irrespective of age.
- 2.6 Every attempt will be made to respect staff confidentiality.

3. Our Legal Duties

The college undertakes to fulfil all the legal duties put upon it by:

- The EU Employment Framework Directive (2000/78/EC) which specifically outlaws discrimination on the basis of age; and
- The Employment Equality (Age) Regulations 2006

4. Recruitment, Selection and Promotion

4.1 The college should not discriminate on the grounds of age in the way it recruits and selects staff.

4.2 The college should ensure that:

- Job descriptions should be drafted to ensure they are age neutral.
- All criteria used in personnel specifications should be job-related: neither the person specification nor job description should identify a particular age range for the job or imply age requirements. Specifications should not be unnecessarily prescriptive about essential experience, or length of service required.
- Advertisements should not state an age range. However, where positive action is appropriate, to meet the needs of particular groups, it will be considered. For example, if young workers are significantly under-represented in the college, it will consider placing advertisements in appropriate publications.
- In order to encourage people of all ages to seek information on vacancies, all recruitment and publicity materials and internal and external advertisements should present jobs without age bias. In particular, the college should avoid the use of any language likely to deter applicants of any age.
- Application forms and information should state explicitly the college's commitment to equality.
- All members of short listing and interviewing panels, and all those involved in other selection processes, should be trained in equality principles.
- Dates of birth and dates of school attendance should only be used for monitoring purposes and should be on a separate sheet together with

information on gender, ethnic origin and disability, not on the main application form.

- The college should consider applications from recently qualified applicants, irrespective of age.
- In order not to discriminate against young workers, employers should recognise skills and potential, as well as experience.
- All these principles should apply to promotion, as well as initial appointment.

5. Training and Development

- 5.1 All employees should have equal rights to training, promotion and other aspects of career development. Age should not be used to justify a failure to promote or train any employee.
- 5.2 A system should be set up to enable detailed monitoring by age of current staff, their job, grade and location, the numbers of staff supported on training or continuing education courses or taking higher degrees, and the number of staff promoted. Monitoring should include an initial review and annual reviews thereafter. It should take into account the needs of people of all ages, especially where they are employed on a part-time or temporary basis. The annual review should appear as a college report provided by the Director of Equality (or equivalent) and appropriate goals should be identified and met.

6. Continuing Employment

- 6.1 An employee who perceives that they have been the victim of age-related discrimination shall have full right of protection under the college's procedures. Any claim of age discrimination should be taken as seriously as any other discrimination claim.
- 6.2 An employee who requests a transfer to part-time work or lighter duties on the grounds of age, whether on a short-term or permanent basis, should have their request sympathetically considered. In the first instance, any claims for part-time working should be considered on a fractional, rather than hourly-paid, basis.

7. Retirement

- 7.1 Either

A. The college will have no mandatory retirement age

OR

B. The normal retirement age for all employees of the college (including part-time employees) is 65.

IF B, then the following process should be followed:

7.2 The college will notify the employee:

- Of his/her right to make a request to continue working beyond 65; and
- Of the date on which the college intends the employee to retire.

All employees will be sent a letter soon after their 64th birthday, notifying them of this information. This letter will be sent out as soon as possible after a 64th birthday, but in any event must be sent at least six months before the intended retirement date.

7.3 It is in the interest of all that retirement is planned and agreed a reasonable amount of time in advance. Employees who wish to continue working beyond 65 are encouraged to put in a request at the earliest opportunity. Nonetheless, they are entitled to put in a request no later than 3 months before the intended retirement date.

7.4 The request should be sent in writing to [the HR Department] and should include the following information:

- State that it is made under paragraph 5 of Schedule 6 to the Employment Equality (Age) Regulations 2006; and
- State whether it is requested that employment continues indefinitely, for a stated period, or until a stated date.

7.5 On receiving a request the college has a duty to ensure that employment continues until a decision has been made and notice under section 7.7 below has been given to the employee.

7.6 As soon as possible after a request is received and certainly within one month, a meeting should be arranged between the employee and [a member of the HR/personnel department]. All requests will be considered seriously.

7.7 Once a decision has been made the employee will be notified within 14 days after the date of the meeting. Notice of the decision must:

- Be in writing and be dated;
- Where the decision is to refuse the request, confirm that the college wishes to retire the employee and the date on which the dismissal will take effect and set out the appeal procedure;
- Where the decision is to refuse the request it is good practice to give a reason/reasons so the employee may leave with dignity and respect.

7.8 If the employee's request is granted, it should be made clear how long the extension of employment is for e.g. a term, a year or indefinitely. If it is for a fixed amount of time, it should be made clear to the employee that they will need to submit another request to continue working at least 3 months before the expiry of the first extension.

7.9 If the outcome of the meeting is:

- to refuse the request, or
- to accept the request to continue working for a specific period but specifying a shorter period than that proposed by the employee,

the employee is entitled to appeal against that decision. An employee who wishes to appeal should do so by giving written notice to the college within 14 days, setting out the grounds for appeal. A meeting will normally be held within 14 days of receiving the appeal. This meeting will be with [the Head of HR/Personnel].

It is good practice to continue with employment until the appeal is heard.

7.10 The employee will be notified of the decision on the appeal within 14 days of the date of the meeting. Notice of the appeal decision must:

- Be in writing and be dated; and
- Where the decision is to refuse the appeal, confirm that the college wishes to retire the employee and the date on which the dismissal due to retirement will take place.

7.11 At all meetings the employee is entitled to be accompanied by a work colleague of their choice or a trade union representative.

7.12 The college should also consider any requests for flexible working beyond 65. Where appropriate, employees should be given the opportunity to request options such as reduced hours or different duties. Any offer of reduced hours for the existing post should normally be made on the same terms and conditions on a pro-rata basis. Where a change of duties occurs, pay will be at the appropriate rate. It is recommended that advice be sought on the impact this could have on pension arrangements.

8. Dismissal

8.1. The college should ensure that there is no age discrimination in relation to dismissal of staff. In particular, if a redundancy situation occurs, the college should ensure that age is not a factor in the selection of those to be made redundant.

9. Complaints of Harassment and Discrimination

9.1. The college should seek to provide a supportive environment for staff who make claims of discrimination or harassment. All instances of age discrimination or age harassment should be logged, according to the appropriate college procedure.

- 9.2 Acts of age discrimination (direct or indirect), harassment, victimisation or abuse should be treated as a serious disciplinary offence which, if proven, may in certain circumstances lead to the dismissal of a member of staff, or, if an employee is harassed by a student, the student disciplinary procedure should be followed. [*For details of handling harassment claims, see the Harassment Policy, where applicable.*]
- 9.3 Staff who feel they are being discriminated against by other members of staff should be able to raise the matter under the Grievance or Harassment Procedures. If the accusation is upheld, it should be treated as a serious disciplinary offence.
- 9.4 If, in the course of their work, staff suffer age discrimination from members of the public, the college should take appropriate action and provide appropriate support.
- 9.5 Any discriminatory behaviour directed against staff by students should be dealt with under the student disciplinary procedure.

10. Ensuring Equality between workers of different ages

- 10.1 The college is committed to work to eliminate prejudice and discrimination in employment practices, as well as to encourage changes in individual behaviour and attitudes, and ensure equality of opportunity and treatment for all workers, regardless of age. The aim is to create a positive inclusive ethos, with a shared commitment to challenging and preventing stereotyping, prejudice and discrimination, respecting diversity and difference, and encouraging good relations between people of all ages.
- 10.2 The college recognises that, despite attempts to achieve equality, older workers can still be subject to discrimination at work, including bullying, exclusion from training, and poor employment prospects once aged over 50. Young workers just starting out may also be victims of discrimination, including bullying, being denied job opportunities, or being patronised. Workers at both ends of the age- scale can be victims of negative stereotyping e.g. young people are unreliable, old workers can't adapt to change.
- 10.3 The college will try to mitigate the effect of these trends by taking positive action within the law to support older and younger workers and by monitoring its staff profile in terms of recruitment, promotion and training.
- 10.4 Where results of a staff audit show that there is an under-representation of particular age groups within the college, it will review its recruitment, promotion and training practices to ensure they are free of direct or indirect bias, and contain no barriers to workers of any age. The college will consider targeted advertising and other positive campaigns to ensure a work-force balanced in terms of age.
- 10.5 Equality training should incorporate anti-ageist principles including appropriate use of language.
- 10.6 The college will ensure that its publications and publicity materials promote positive images [in both language and illustration] of staff and students of all ages.

11. Monitoring and Review

- 11.1. The monitoring process should be used to ensure that staff of all ages are treated equally.
- 11.2. The college should gather and analyse information about its staff age profile, including:
- Age
 - Job application and selection success rates
 - Type of contract (permanent, temporary agency)
 - Training and staff development
 - Staff recruitment, development and promotion
 - Grievances, disciplinary and capability proceedings
 - Satisfaction surveys and exit interviews
- 11.3. If monitoring reveals evidence of age discrimination, the college should take remedial action to redress it.
- 11.4. All new policies should be studied for their impact on staff equality, including their impact on workers of different age.

12. Division of Responsibilities

- 12.1. Governors are responsible for ensuring that:
- The college's strategic plan includes a commitment to age equality
 - Equality training should feature as part of the college's strategic plan
 - They are aware of the Corporation's statutory responsibilities in relation to age legislation as an employer
 - They receive and respond to age monitoring information
- 12.2. Managers are responsible for ensuring that:
- The college Principal/Chief Executive and Senior Management Team are responsible for taking the lead in creating a positive, inclusive ethos that challenges discriminatory behaviour on the part of the managers, staff or learners
 - They are aware of the college's statutory duties in relation to age legislation
 - All aspects of college activity are sensitive to age issues
 - The procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities

- The college's publicity materials present appropriate positive and non-stereotypical messages about people of all ages
- Appropriate training and development is provided to support the appreciation and understanding of diversity

12.3 Staff are responsible for ensuring that:

- They are aware of the college's statutory duties in relation to age legislation
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of cultural and age diversity
- They challenge prejudiced and discriminatory behaviour, whether conscious or unconscious, by learners, work placement providers, outside contractors or other members of staff whenever practicable
- They respond positively to the needs of staff and students of all ages who they come in contact with in the course of their work

13. Publicising Our Policy and Progress

13.1 To the public (including learners, work placement providers and staff):

- Our commitment to age equality should be highlighted in our prospectus, annual report and annual financial statement.
- A summary of the results of our monitoring information should be included in our annual report and annual financial statements, where this does not breach individual confidentiality.

13.2 To staff:

- All staff should receive or have access to a full copy of the policy.
- The staff induction process should highlight the college's commitment to age equality, action to be taken by staff who suffer discrimination and the action to be taken against any perpetrators of such discrimination.
- A summary of the results of our monitoring information should be included in the appropriate college publication (e.g. newsletter). Any published information should have due regard for individual confidentiality.

15. Review and Consultation

- 15.1 This policy should be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the college's Equality Committee or Equality Forum.
- 15.2 As part of the review, the college's Equality Committee or Equality Forum should seek and take into account the views of stakeholders including the consultation and negotiating arrangements within the college, and appropriate equality bodies.

16. Implementation

- 16.1 The college, working in partnership with the recognised trade unions, should seek to ensure that all staffing policies and procedures (e.g. Recruitment and Selection Procedure) are non-discriminatory, and that monitoring and positive action processes are regularly reviewed and monitored.

17. General and Definition

- 17.1 This policy should not be read in isolation, but cross-referenced with all relevant institution employment policies.
- 17.2 The Agreement on this guidance is intended as a recommendation to colleges relating to Age.

18. Appendices

Appendix 1: Letter Template – Notification of Forthcoming Retirement

Joint Agreement on Guidance for Age Equality in Employment

Letter Template – Notification of Forthcoming Retirement

Name
Address

Date

Dear

Re: Forthcoming Retirement

As you may be aware, the College's policy is for all employees to retire at the age of 65. As your 65th birthday is on [date], you will have reached the College's normal retirement age and this is the date on which the College currently expects your employment to terminate.

However, you are entitled to make a request not to be retired and to continue working after the retirement date. Any such request must be made in writing and include the following information:

- State that you are making the request under paragraph 5 of Schedule 6 to the Employment Equality (Age) Regulations 2006; and
- Specify whether you propose that your employment should continue indefinitely or for a stated period.

Requests should be sent to [the HR/Personnel Department]. If you would like to continue working you are encouraged to send us your request at the earliest opportunity and no later than three months prior to the intended retirement date. All requests will be considered seriously. Where necessary a meeting will be arranged to discuss it further where you may be accompanied by a work colleague or a trade union representative.



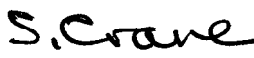


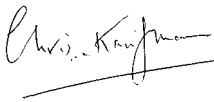

In the meantime, I would like to take this opportunity to thank you on behalf of the College for all your hard work and your contribution to the organisation.

Yours sincerely

Name
Job Title

JOINT AGREEMENT ON GUIDELINES FOR AGE EQUALITY IN FURTHER EDUCATION COLLEGES

SIGNATURES OF THE PARTIES TO THIS AGREEMENT

AoC	
ACM	
ATL	
GMB	
UCU	
TGWU	
UNISON	

Date of Commencement of this Agreement:

01 September 2006