

PERSONNEL COMMITTEE

18 September 2006

AGE DISCRIMINATION POLICY

REPORT OF DIRECTOR OF HUMAN RESOURCES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Employment Equality (Age) Regulations become effective on 1<sup>st</sup> October 2006. Under these Regulations, employers are required to ensure that no employee or job applicant receives less favourable treatment on grounds of his or her age. This is subject to the requirement for employers to set a retirement age for which there must be a planned retirement process.

This report introduces an Age Policy for the Council which sets the Council's normal retirement age at 65, sets out a procedure for planned retirement as required by statute and aims to eliminate discrimination on the grounds of age both in recruitment and selection, training and development and access to promotion.

RECOMMENDATIONS:

That subject to consultation with UNISON, the Age Policy be agreed and the Director of Human Resources be authorised to implement the policy, subject to no material changes arising from the consultation.

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### AGE DISCRIMINATION POLICY

Report of Director of Human Resources

#### DETAIL:

#### 1 Introduction

1.1 The Employment Equality (Age) Regulations become effective on 1<sup>st</sup> October 2006. Under these Regulations, employers are required to ensure that no employee or job applicant receives less favourable treatment on grounds of his or her age. This is subject to the requirement for employers to set a normal retirement age for which there must be a planned retirement process.

#### 2 Age Policy

2.2 The Age Policy shown at Appendix 1 sets out a policy to achieve the requirements under the Employment Equality (Age) Regulations 2006.

2.3 The Policy sets the Council's normal retirement age at 65, which mirrors the default retirement age set by the Government and is in line with the revised Pensions Regulations (PER96 refers). The Age Regulations state that retirement at or before age 65 will be a dismissal which could be challenged as unfair under the Employment Rights Act 1996. However, by following the planned retirement process set out in the attached policy, and giving fair and objective consideration to a request to work past the normal retirement age, the dismissal will be considered fair.

2.4 The Regulations also require employers to ensure that their criteria for selection do not discriminate on grounds of age. This relates particularly to the application process and the selection tools such as the application form and person specification. These are currently under review to ensure that they will comply with the new legislation. The immediate goals are set out in Appendix 1 of the policy.

2.5 Other aspects of employment must be assessed to ensure that they do not breach the regulations. These include:

- Recruitment advertisements
- Selection procedures
- Training
- Performance appraisal
- Redundancy policy
- Equality policy

### 3 Current Practice

- 3.1 The Human Resources Directorate currently assesses all policies and procedures against the requirements for race, gender and disability and ensures that there is no discrimination on these grounds. In practice, although the Regulations are not effective until 1 October 2006, the requirements to prevent discrimination on grounds of age have been adopted informally in anticipation of the Regulations. The Human Resources Directorate have been assessing the impact of the Age Regulations on working practices and taking them, along with the existing requirements on age, gender and disability into account when revising procedures.
- 3.2 The selection tools used within the recruitment process are being revised to take out references to age and work has already started with managers in changing the way in which person specifications are drafted. This work will continue and be supported with Recruitment and Selection training which is being timetabled.
- 3.3 An audit is being carried out as part of the requirements under the National Joint Council Single Status Agreement to demonstrate that the Council is meeting the requirements of Equal Pay. Whilst the agreement only required evidence of equal pay on grounds of gender, the Director of Human Resources has requested that the audit be widened to include race, disability and age in anticipation of these requirements in the future.
- 3.4 The Council's Pension Policy has been reviewed to incorporate the requirements under the new Pension Regulations which were revised to take into account the introduction of the Age Regulations. (PER96)

### 4. Monitoring

- 4.1 The Human Resources Directorate will monitor the recruitment activity to ensure that the requirements of the Regulations are being met. Any breaches will be highlighted and action taken to resolve. The monitoring results will be presented to this committee annually as part of the Human Resource Outturn report.

### 5. Consultation

- 5.1 UNISON will continue to be consulted on the development and implementation of employment policies.

### OTHER CONSIDERATIONS:

#### 6. CORPORATE STRATEGY (RELEVANCE TO)

- 6.1 This Policy relates to Council's Strategy statement on Working Better, in particular to making our working practices fit for the 21<sup>st</sup> Century and also to its Values in becoming an Employer of Choice.

7. RESOURCE IMPLICATIONS:

- 7.1 It is not anticipated that there will be any additional resource implications. The cost of implementing the requirements under the Regulations will be met from existing budgets.

BACKGROUND DOCUMENTS:

Held within the Human Resources Department

APPENDICES:

Appendix 1 - Age Policy