

AGE DISCRIMINATION POLICY



INVESTOR IN PEOPLE



Human Resources

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(i) Scope

This Policy applies to all actual and potential employees, whether permanent, temporary or casual.

(ii) Background

We recognise that our people are our most valuable resource. We need to make the best use of the potential available to us from amongst all the people we employ.

We recognise the need for younger people to be encouraged into our workforce and nurtured as the most valuable future resource.

We also recognise that the labour market on which we find our human resources is changing, with older members of the population seeking the financial and social advantages that being in work may bring.

We understand that people may choose to extend their working lives beyond the age that was previously thought normal for retirement.

The Council intends to be above any criticism in its observance of the law against discrimination and to implement wholeheartedly its obligations.

(iii) Overall objectives

The objectives of this Policy are to :

- Establish the Council's normal retirement age (as required by the law).
- Prevent direct and indirect discrimination.
- Prevent harassment, victimisation and unfair treatment.
- Stimulate equity of treatment by the elimination of conditions, requirements, procedures and practices that are discriminatory and unjustified.
- Allow us to plan and to implement positive action where this is found to be required.

(iv) Policy Statement

The normal retirement age from the Council's service is 65 years. In consequence, the Council's employment of any individual will end on the day before his or her 65th birthday.

As a consequence of the Employment Equality (Age) Regulations 2006, the individual employee can when his or her employment is to be ended in this way, request that the Council considers the possibility of continuing the employment. To facilitate this, the Council will inform the employee six months before their 65th birthday of their options under this legislation.

Where a member of its staff requests that his or her employment continues beyond his or her 65th birthday, the Council will fairly and objectively consider this request, and where all other factors are equal, and the interests of the Council's service to its customers is in no way diminished, undertakes to respond positively, such an extension being normally for a period of one year, with a repeated review afterwards at a twelve month interval(s), such review taking place a minimum of 2 months before the retirement date.

Subject to the above, no worker, employee or job applicant will receive less favourable treatment on the grounds of his or her age. All HR management procedures, and particularly our selection criteria and our training/development criteria will ensure that individuals are selected, promoted and treated solely on the basis of their real merits and abilities.

Immediate goals

The Council will take action :

- To eliminate questions identifying age from its Application Forms.
- To monitor the age of applicants, of those short-listed and those appointed.
- To eliminate references to age or to periods of time in Person Specifications, and to replace these with more focussed descriptions of the skill, experience or competence that is actually sought.
- To examine why certain qualifications are a requirement of its Person Specifications, challenging their age implications.
- To immediately begin the process whereby staff are informed six months before their 65th birthday of their “planned retirement”.
- To audit its terms and conditions and to eliminate any use of age related criteria that are unjustifiable in law.
- To audit its payment framework, and plan to eliminate features giving advantage or disadvantage on the basis of age which are unjustifiable in law.
- To fairly and objectively consider any request made by any member of its staff that their employment continues beyond their 65th birthday and where all other factors are equal, and the interests of the Council’s service to its customers is in no way diminished, to respond positively, such an extension being normally for a period of one year, with a repeated review afterwards at a twelve month interval(s).
- Where any employee requests such an extension, the Council requires that the any manager taking such a decision must be advised by Head of Human Resources.

(v) Responsibility

The Council will provide the resources required for the implementation of this Policy. The Council will support action within the framework of its agreed disciplinary procedures should this be found to be required if breaches of this Policy arise. Decisions of Committees, panels, etc., will support the objectives of the policy.

The Council will monitor the implementation of this Policy.

The Council will make an Appeal process available to any employee who makes a request to his or her manager for a continuation of their employment and where this is refused, such an Appeal being for the employee to choose to take up.

The Chief Executive, and all managers are responsible for the implementation of this policy within their areas of responsibility. Where breaches of the Policy occur the Council requires action to be taken. Where such breaches are brought to a manager’s attention, victimisation of the individual alerting the Council to the matter may be illegal and will be a breach of the policy.

Those of the Council's staff who recruit and select staff, or select staff for training, or administer training have a particular responsibility for implementing this Policy.

The Head of Human Resources has particular responsibilities identified in this Policy statement. Implementation of this Policy is not solely his/her responsibility however, that is a matter for those who manage the Council's staff, their recruitment, selection and training.

Individual employees of the Council should ensure that their personal actions conform to the requirements of this Policy and that where any breach of the policy comes to their attention they draw this to the attention of their managers.

Individual employees requesting that they continue to be employed after their 65th birthday can be accompanied at any meetings to discuss this matter by their Trade Union Official, or another employee of the Council.

(vi) Grievances

An employee considering that the Council has failed to implement this Policy can utilise the Council's agreed Grievance procedure to have the matter resolved.

An applicant for a post who draws to the Council's attention that this Policy has not been observed and that as a result he or she is disadvantaged can draw that to the attention of the Head of Human Resources.

(vii) Monitoring

The Council will not ask for the age of any individual upon its usual recruitment application form, but will confine itself to the question "Are you aged between 16 and 65 – "yes"/"no".

The Council will however monitor the age of those who apply for work with it, through a more detailed supplementary monitoring system. The result will be annually reported to the Council, and the report will include detail of complaints raised by applicants.

(viii) Communication

The Council will draw this Policy to the attention of all its employees..

Wording identifying the Council's Normal Retirement Age, and its consequences for individuals will be included in the Council's normal employment contract documentation. The text to be used will say : *"The normal retirement age from the Council's service is 65 years. In consequence, this contract will end on your 65th birthday. The Council intends to remind you of this at least six months before that date. At that time you will also be informed (as a consequence of the Employment Equality (Age) Regulations 2006), that you can request that the Council considers the possibility of continuing your employment."*

The Council will draw attention to this Policy in information published about its vacancies to potential applicants.

The implications of this Policy will be included in appropriate training courses, as determined by the Head of Human Resources.

PLANNED RETIREMENT PROCEDURE

The Council will follow a statutorily required process to notify employees of their coming retirement. This will achieve the “planned retirement” which, in law, is a fair reason for ending employment. It must be implemented when any employee is nearing the Council’s Normal Retirement Age (NRA), which is fixed by the Council’s Policy to be the age of 65.

Our authority for this requirement is a Statutory Instrument : the Employment Equality (Age) Regulations 2006.

The Council will :

- Notify the employee in writing at least six months (but no more than 12 months) in advance of the intended retirement date, which would be the day before their 65th birthday. This will be necessary even if the contract documentation already states the retirement date. A model letter is at Appendix 1 below.
- Tell the employee in the letter that they will have the ‘right to request’ to work beyond their normal retirement age.
- An employee who wishes to continue at work beyond their 65th birthday should respond by completing and returning the form attached to the letter.

1.2 Working beyond retirement

- Any employee who wishes to continue working beyond age 65 may request that their employment continue indefinitely, for a stated period or until a stated date.
- The employee’s request to continue working should be made in writing no less than three months but not more than six months before their 65th birthday.
- The manager responsible must arrange to meet with the employee to discuss any such request. The meeting must be held within a reasonable period of the request being received. Both the manager and the employee must take all reasonable steps to attend the meeting.
- A colleague, who can put the employee’s case and confer with the employee during the meeting, may accompany the employee to the meeting. However, they should not answer for him or her questions that are put to the employee.
- Although the employee can seek to continue to work for an ‘indefinite’ period, it is up to the manager to agree the period. The Council’s policy is that this

should be for one year, with a review and the possibility of further one year periods thereafter.

- Following the meeting, the manager will inform the employee in writing of the decision.
- If it is agreed that the employee continues in work, he or she will be advised in writing of their new retirement date. This will amend their contract of employment.
- If the manager decides that the employee will not continue working beyond age 65, then the employee must be notified in writing that the retirement will take effect on the day before the 65th birthday.
- The employee must also be told that they have a right of appeal over the decision. This will be as provided in the Council's Grievance Procedure.
- Managers should note that the Regulations do not require that a reason for refusing the employee's request needs to be identified to the employee. However, the manager may think it appropriate to discuss the reasons for the decision, which would need to be identified in any Appeal.
- Our staff can make only one request to carry on working. However, if the request is granted and a new retirement date is then established, further requests to carry on working beyond that new retirement date can then be made according to the timetable set out above.

(a) Pension implications

Further details of the appropriate pension scheme implications may be obtained from Pensions Services, Oxfordshire County Council, Tel: 01865 815527.

Human Resources

Anne-Marie Scott FCIPD **Head of Human Resources**



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Dear

Intended Retirement Date

From our records we note that you reach the age of 65 on XXXXXX, which is the normal retirement age for employees of the Council.

The Council anticipates that you will retire on that day, and if that is your wish, please accept our good wishes for a long and contented retirement.

You may be aware that you can request to work beyond the age of 65 and the Council needs to gain an understanding of whether you wish to apply for an extension to your contract, beyond normal retirement age. I would therefore be grateful if you would complete and return the attached form indicating either:

- That you intend to retire at age 65, or
- That you wish to seek the Council's agreement to work beyond age 65. You will need to submit your request in writing to me at least 3 months before your 65th birthday, i.e. by XXXXXX. Please indicate how long you might want the extension of your employment to last. Please note that such a request can (within the law) be refused.

If you have any queries regarding your retirement or the contents of this letter, please talk either to your line manager or to a member of the Human Resources department.

Yours sincerely

Anne-Marie Scott
Head of Human Resources

PLANNED RETIREMENT
To be completed by the employee

Please tick as appropriate and return to Human Resources, Bodicote House

<input type="checkbox"/>	I wish to proceed with my intended retirement date at age 65 or at the end of my current extension to permanent employment period which is on:- (date):
<input type="checkbox"/>	I wish to request that I continue to work beyond the age of 65 or beyond the end of my current extension to permanent employment period which is on (date): and I wish to work on:- <ul style="list-style-type: none"> <input type="checkbox"/> Indefinitely <input type="checkbox"/> For a stated period of (please state for how long) <input type="checkbox"/> Until a certain date (please state date)

Name:	
Department:	
Signed:	
Date:	