

## AGE EQUALITY POLICY

### 1. Executive Summary

South Nottingham College's commitment to equality, diversity and inclusion means ensuring that people receive services, consultation and employment opportunities in a fair non discriminatory way. This means recognising, accommodating and valuing diversity across the College and the community with which the College works.

The College's aim is to create an environment where people give of their best, allowing them to develop and grow and achieve their full potential. The College aims to achieve this commitment by treating the College community equitably, and by removing barriers to advancing a cohesive community and a culture of fairness. This policy details the College's position with regard to age equality and it is supported by a comprehensive overall Equality, Diversity and Inclusion Policy, a suite of Equality Policies, Employment Policies and a 3 year Equality, Diversity and Inclusion Action Plan.

The Equality Act 2010 protects people at work as employees, and people using a service from age related discrimination, harassment and victimisation. The College's commitment to advancing equality, diversity and inclusion as an employer and education provider, goes beyond legislative compliance to promoting positive relationships with all stakeholders, partners and the local community to sustain a shared commitment to age equality.

### 2. Legislative definitions of age related unlawful behaviour

- **Direct discrimination** - treating a person less favourably than another in comparable circumstances because of age.
- **Associative discrimination** is direct discrimination against someone because they are associated with another person of a particular age.
- **Discrimination by perception** is direct discrimination against someone because others think they are of a particular age even if they are of a different age.
- **Indirect discrimination** - putting in place a policy or practice that has a differential (positive or negative) impact on someone of a particular age when this cannot be objectively justified.

NB. There are exceptional circumstances which legitimise some forms of discriminatory practices. The Equality Act 2010 gives a definition which describes legitimate justification.

- **‘A proportionate means of achieving a legitimate aim’**

To be legitimate the aim of the provision, decision or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of South Nottingham College, examples of legitimate aims might include:

- Maintaining academic and / or business standards
- Ensuring the Health & Safety and Welfare of stakeholders

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means ‘appropriate and necessary’, but ‘necessary’ does not mean that the provision or practice is the only possible way of achieving the legitimate aim.

- **Harassment or bullying** - unwanted conduct which has the purpose or effect of violating someone’s dignity, or which is hostile, degrading, humiliating or offensive to someone of a particular age.
- **Victimisation** - treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting someone who is doing so.

### **3. Introduction**

- 3.1 This policy applies to all those involved in South Nottingham College, whether as a learner on a full time or part time course, visitor or employee on a permanent or fixed-term contract, both full and part-time.
- 3.2 The College’s commitment to treating everyone fairly regardless of their age is fundamental to the provision of a quality service to learners and a cornerstone to good employment practices.
- 3.3 The College seeks to ensure the inclusion of everyone and that people of all age groups have equal rights, opportunities and are treated fairly with dignity and respect in accordance with the legislation. In so doing the College recognises that age discrimination is prevalent within today’s society, and is committed to challenging all forms of discrimination, harassment, victimisation and bullying because of a person’s age in employment practice and in service provision in accordance with the Equality Act 2010.
- 3.4 The College is proud of its rich diversity and is committed to the fair treatment of all visitors, learners, partners and employees. The College will practise inclusion in the operation and implementation of all its policies and business functions. The College will treat all visitors,

learners and employees with respect and dignity, and seek to provide a positive learning and working environment free from all forms of age related discrimination, harassment, victimisation and bullying.

- 3.5 The College recognises the valuable contributions made by employees and learners of all ages in terms of the quality 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 different age groups at all levels of responsibility and across all areas of work.
- 3.6 The College will review and impact assess all of its policies to ensure that working practices and business functions are consistently fair and show no potential for age related indirect discrimination.
- 3.7 An employee or learner who perceives that they have been the victim of age related discrimination shall have full right of protection under the College's procedures.
- 3.8 As well as respecting the specific needs of employees and learners at either end of the age spectrum, the College will seek to fulfil its duty of care to all employees and learners, irrespective of age.
- 3.9 Every attempt will be made to respect employee and learner confidentiality.
- 3.10 The College is committed to providing resources to plan, implement, monitor, review and further enhance this policy to ensure that all employees, learners and visitors are part of a working and learning environment in which age equality is respected, and in which any form of age discrimination is challenged and eliminated.

#### **4. Legislative duties**

- 4.1 The Equality Act 2010 harmonises all previous anti discrimination legislation into one Act. The Act has extended the scope of age related discrimination and harassment which is detailed at the top of this policy under 'Definitions of Unlawful Behaviour'. Provisions of previous age equality related legislation are still relevant under this new Act.
- 4.2 The College undertakes to fulfil all the legal duties put upon it by:
  - The Equality Act 2010;
  - The EU Employment Framework Directive (2000/78/EC) which specifically outlaws discrimination on the basis of age; and
  - The Employment Equality (Age) Regulations 2006.

## **5. Equality provisions for learners**

This policy outlines South Nottingham College's provisions of the Equality Act 2010 which prohibit discrimination, harassment and victimisation against;

- Prospective learners (in relation to admissions arrangements)
- Current learners (including those absent or temporarily excluded)
- Former learners (if there is a continuing relationship based on them having been a learner at the College)

### **5.1 Recruitment and Admissions**

Any process, criteria or decision which excludes people with a particular protected characteristic without justification is unlawful discrimination. Direct discrimination however can be lawful, where imposing a particular requirement is a proportionate means of achieving a legitimate aim.

5.1.1 South Nottingham College will not unlawfully discriminate against, harass or victimise an individual because of a protected characteristic in;

- recruitment processes;
- arrangements for deciding who is offered admission as a learner;
- the terms and conditions on which the College offers to admit the individual as a learner;
- rejecting an application by a prospective learner.

### **Exceptions**

#### Genuine occupational requirements

There are exceptions under the Equality Act 2010 in respect of certain occupations whereby they can be lawfully restricted to people of a certain characteristic. It is lawful to treat someone differently as a result of their protected characteristic by refusing to admit them to courses which train people only for such occupations.

### **5.2 Providing education and access to any benefit, service or facility**

The College will not unlawfully discriminate against, harass or victimise any learner in the provision of education, or access to any benefit, facility or service, by excluding them or by subjecting them to any other disadvantage. The College is committed to practicing inclusion in the planning and provision of;

- Academic progression and transfer procedures

The College will not discriminate in the practical arrangements necessary to facilitate the progression or transfer of learners to new and additional courses.

- Assessments and examinations arrangements
- Curriculum design  
The way in which the curriculum is taught is crucial to challenging stereotypes and addressing inequality.
- Field trips / Excursions  
Arrangements made for external trips and visits will take into account the needs of diverse learners, and practical adjustments will be made to facilitate participation.
- Health & Safety procedures
- Learner Induction
- Libraries, study facilities and learning equipment  
The College is committed to providing fair access to learning facilities and equipment to learners, and to make adjustment when appropriate.
- Student Services;  
Including, advice & guidance, counselling, learning support, welfare services.
- Teaching and learning

### **5.3 Work placements**

Work placement providers based in England have duties as employers under the Equality Act 2010 towards learners.

5.3.1 The College will not discriminate in making arrangements with work placement providers and where relevant providers will be made aware of any specific needs of their placement learners. If The College is made aware that discrimination has occurred, the College will negotiate with the work placement provider to resolve the issue and where necessary, find an alternative placement.

## **6. Equality provisions for staff**

### **6.1 Delivering Age Equality in Employee Recruitment, Selection and Promotion**

6.1.1 South Nottingham College will not discriminate in the way it recruits and selects employees or learners because of age.

6.1.2 When recruiting for employment positions the College will ensure that:

- Job descriptions are drafted to ensure they are age neutral;
- The criteria used in person specifications are job-related;
- Neither the person specification nor job description will identify an age range for the job or imply age requirements;
- Person specifications will not be unnecessarily prescriptive about essential experience, or length of experience required;
- In order to encourage people of different ages to seek information on vacancies, all recruitment and publicity materials and internal and external advertisements will present jobs without age bias;
- The College will avoid the use of any language likely to deter applicants of particular age groups in all recruitment and publicity materials;
- Application forms and information will state the College's commitment to equality, diversity and inclusion. Dates of birth and age will only be used for monitoring purposes and will be on a separate sheet together with information on gender, ethnic origin and disability, not on the main application form;
- All members of short listing and interviewing panels, and all those involved in other selection processes, will be trained to fulfil their responsibilities;
- The College will consider applications from recently qualified applicants, irrespective of age;
- In order not to discriminate against young workers, the College will recognise skills as well as time served experience;
- These principles will apply to promotion, as well as initial appointment.

## **6.2 Appraisal, training and development**

- 6.2.1 All employees will have equal rights to be appraised and have access to training, promotion and other aspects of career development. Age will not be used to justify a failure to promote or train an employee and employees of all ages will participate in Continuing Professional Development.
- 6.2.2 A system will be established to enable detailed monitoring by age of current employees, their job, grade and location, the numbers of employees supported on training or continuing education courses, and the number of employees promoted. Monitoring will include an initial review and annual reviews thereafter. It will 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 will appear as a College report provided by the Human Resources Director and appropriate goals will be identified and met.
- 6.2.3 A system will also be established to enable detailed monitoring by age of current learners with particular reference to application, recruitment and attainment and achievement. Monitoring will include an initial review and annual reviews thereafter. It will take into account the needs of learners of all ages, identifying any trends and any appropriate goals and targets. The annual review will appear as a College report.

## **6.3 Continuing Employment**

- 6.3.1 An employee who requests a transfer to part-time work or lighter duties because of age related needs, whether on a short-term or permanent basis, should have their request sympathetically considered in the context of business needs. Any claims for part-time working should be considered on a fractional, rather than hourly-paid basis. Advice on who to contact to discuss the impact on pensions can be obtained from Human Resources.

## **6.4 Dismissal**

- 6.4.1 The College will ensure that there is no age discrimination in relation to dismissal of employees. In particular, if a redundancy situation occurs, the College will ensure that age is not a factor in the selection of those to be made redundant.

## **7. Complaints of harassment and discrimination**

- 7.1. The College will seek to provide a supportive environment for learners and employees who make claims of age related discrimination or harassment. All instances of age discrimination or age harassment will be logged, according to the appropriate College procedure.
- 7.2. Acts of age discrimination, harassment, victimisation or abuse will be treated as a serious disciplinary offence which, if proven, may in certain circumstances lead to the dismissal of an employee, or, if an employee is harassed by a learner, the learner disciplinary procedure should be followed.
- 7.3. Employees who feel they are being discriminated against by other employees will be able to raise the matter under the Grievance or Harassment Procedures. If the accusation is upheld, it will be treated as a serious disciplinary offence.
- 7.4. Learners who feel they are being discriminated against by other learners or staff members will be able to raise the matter under the Complaints Procedure. If the accusation is upheld, it will be treated as a serious disciplinary offence.
- 7.5. If, in the course of their studies or work, learners and employees suffer age related discrimination or harassment from members of the public, the College will take appropriate action and provide appropriate support.
- 7.6. Any discriminatory behaviour directed against employees by learners will be dealt with under the learner disciplinary procedure.

## **8. Ensuring equality between people of different ages**

- 8.1. The College is committed to work to eliminate prejudice and discrimination in learning and employment practices. The College is committed to encouraging changes in individual behaviour and attitudes, to actively promote equality, diversity and inclusion and fair treatment for all workers and learners, 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.
- 8.2. The College recognises that in society, despite attempts to achieve inclusion, older people can still be subject to discrimination in work and education, 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 being denied job opportunities, or being patronised. Workers at both ends of the age-scale can be victims of negative stereotyping. South Nottingham College is committed to challenging and removing any barriers caused by age related discrimination and to promoting positive relationships between all staff and learners from all age groups.

- 8.3. The College will work to mitigate the effect of these trends by taking positive action within the law to support older and younger workers and by monitoring its employees' profiles in terms of recruitment, promotion and training.
- 8.4. Where results of an equality audit show that there is an under-representation of particular age groups within the College, the College will review its recruitment, promotion and training practices to ensure they are free of direct or indirect bias, and contain no unlawful barriers to workers or learners of any age. The College will consider targeted advertising and other positive campaigns to ensure it benefits from a workforce and learner profile balanced in terms of age.
- 8.5. Equality training for staff and learners at all stages including induction will incorporate anti-ageist principles including appropriate use of language.
- 8.6. South Nottingham College will ensure that its publications and publicity materials promote positive images in both language and illustration of employees and learners of all ages.

## **9. Monitoring and review**

- 9.1 The monitoring process will be used to ensure that employees and learners of diverse age groups are treated fairly, with dignity and respect.
- 9.2 The following data will be collected.
  - Learner data
    - Age group
    - Application, success and failure rates for admission to courses
    - Retention rates
    - Achievement rates
    - Disciplinary action
    - Complaints by learners or their sponsors
    - Satisfaction surveys
  - Employee data
    - Age
    - Employees in post and work category
    - Type of contract (permanent, temporary agency)

- Training/Employees Development
- Employees recruitment, development and promotion
- Grievances, disciplinary and capability cases
- Satisfaction Surveys
- Exit Interviews.
- Pay

- 9.3 The monitoring data will be used to highlight differences between learners and employees of diverse age groups and will inform action plans to be developed and measured to address these differences. The data will be provided to the Equality, Diversity and Inclusion Group quarterly, the corporation annually, and the recognised trade unions annually through JCNP.
- 9.4 The College undertakes, once the results of monitoring are available, to consider targets to reduce any under representation or disadvantage found between employees or learners of diverse age groups and the targets will be published annually in an action plan.

## **10. Equality analysis (Impact assessment)**

- 10.1. All relevant South Nottingham College policies, procedures and practices will be analysed for their impact on different age groups.
- 10.2. The purpose of equality analyses is both to ensure that the College's decisions and activities do not disadvantage people of different ages, and also to identify opportunities to actively promote age equality.
- 10.3. The College agrees to set out a timetable for analysing the impact of its policies, procedures and practices in respect of age. The College will consult with representative groups such as students, the community or recognised trade unions whilst carrying out these equality analyses and similarly to share the results.
- 10.4. The College will publish completed equality analyses, and ensure they are available in accessible formats.

## **11. Division of responsibilities**

All College staff and learners have responsibilities in relation to age equality and are encouraged to advance awareness of equality and actively challenge all instances of inequality because of age, thus helping remove barriers to access, achievement and progression.

11.1. The Corporation is responsible for ensuring that:

- The College complies with age anti-discrimination legislation;

- The College's strategy plan includes a commitment to age equality;
- The Age Equality Policy and relevant procedures are followed;
- Age Equality training will feature as part of the College's training plan;
- It is aware of its statutory responsibilities in relation to age related legislation as an employer and service provider;
- It receives and responds to age monitoring information on employees and learners.

11.2. The Principal is responsible for ensuring that:

- A consistent and high profile lead is provided in creating a positive, inclusive ethos that challenges discriminatory behaviour on the part of the managers, employees and learners;
- He / she is aware of the College's statutory duties in relation to age related legislation;
- All aspects of College activity are sensitive to age related issues;

11.3. The Senior Management Team is responsible for ensuring that:

- The procedures for the recruitment and promotion of employees enshrine best practice in equality of 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 inclusion;
- All aspects of College activity are sensitive to age related issues.

11.4. Employees are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to age related legislation;
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of age diversity;
- They challenge prejudiced and discriminatory behaviour, whether deliberate or not, by learners, work placement providers, outside contractors or other employees whenever practicable;

- They respond positively to the needs of colleagues and learners of all ages who they come in contact with in the course of their work.

#### 11.5. Contractors and service providers

- Contractors and service providers are responsible for ensuring that this policy, and any age equality clauses in contracts or agreements, are followed.

### **12. Publicising the college's policy and progress**

#### 12.1. To the public (including learners, work placement providers and employees):

- The commitment to age equality will be highlighted in the Annual Report;
- A summary of the results of the monitoring information will be included in the College's Annual Report, where this does not breach individual confidentiality.

#### 12.2. To employees:

- All employees will receive or have access to a full copy of the policy via the intranet;
- The employee induction process will highlight the College's commitment to age equality, action to be taken by employees who suffer discrimination and the action to be taken against any perpetrators of such discrimination;
- A summary of the results of the monitoring information will be included in the newsletter. Any published information will have due regard for individual confidentiality.

### **13. Review and consultation**

#### 13.1. This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the College Equality, Diversity and Inclusion Group and recognised Trade Unions.

#### 13.2. As part of the review the Equality, Diversity and Inclusion Group will seek and take into account the views of stakeholders including the consultation / negotiating arrangements within the College, and appropriate equality bodies.

#### **14. Associated documents**

This policy should not be read in isolation, but cross-referenced with all relevant institution equality and employment policies. These include but are not limited to:

- Single Equality Scheme
- Equality, Diversity and Inclusion Policy
- Gender Equality Policy
- Gender Reassignment Equality Policy
- Marriage & Civil Partnership Equality Policy
- Pregnancy & Maternity Equality Policy
- Race Equality Policy
- Recruitment of Ex Offenders Policy
- Religion and Belief Equality Policy
- Sexual Orientation Equality Policy