

E. STATEMENT ON AGE DISCRIMINATION

1. Current Legal Position

The Age Discrimination Regulations came into force in October 2006. The Regulations apply to employers and to providers of “vocational training”, which includes all matriculated courses at the University of Oxford. Staff and students of Lincoln College are therefore both covered. Unpaid workers are generally not covered, unless that unpaid work is part of a paid employment or a course of study (e.g. a trainee teacher doing unpaid teaching experience in a school).

The Regulations apply to people of all ages: the young as well as the old are protected from discrimination on the basis of their age.

The Regulations provide that:

- Institutions must not discriminate on the basis of age in promotion, training and the terms on which employment is offered (including, subject to certain exemptions, access to benefits such as health and medical insurance).
- Discrimination (direct and indirect), harassment and victimisation are all outlawed unless they can be justified as described below.
- Employers must write to staff at least 6 months before their intended date of retirement and explain that staff have the right to request to continue working beyond the intended retirement date. They and the employer must follow a specific procedure to consider these requests which is explained under “Retirement” below. Employers are not obliged to agree to such requests.

Occupational pensions and age-related pension benefits are largely not covered by the Regulations.

Both direct and indirect discrimination on grounds of age may be justified if the employer is able to show that the discriminatory practice or conduct is a “proportionate means of achieving a legitimate aim”.

Positive action - The College may take positive action in respect of access to facilities and training for specific groups who are under-represented. It would be reasonable to take action to increase applications for posts or study from a particular group of people, or provide work experience, outreach days or training programmes only for those people. These actions increase the numbers of eligible people by developing relevant skills and increasing applications from under-represented groups. An example might be giving people of a particular age access to vocational training or study, or encouraging people of a particular age to apply for posts. This is only lawful if it can be shown that people of this age are under-represented in these staff and student groups and the proposed action is intended to compensate for this disadvantage. The selection for admission to study and appointment to posts must however be made only on the basis of merit.

Genuine Occupational Requirements – an employer may also justify age discrimination because a post has a genuine requirement for a worker of a particular age to carry out the duties of the post. There must be a clear connection between the

duties of the post in question and the characteristics required. A general preference or a habit from past experience would not be sufficient. An example might be the need to recruit a model for life drawing classes who was in a particular age band. However, there are likely to be very few posts where chronological age (as opposed to health and fitness) is a genuine occupational requirement. Any department wishing to establish a GOR should clear this with the Bursar before advertising the post.

2. College Response

The College policies and practices which are relevant are as follows:

	Staff	Students
Recruitment and selection	Standard policies re-staff recruitment &c	Standard policies re-student admissions
Training and development or Teaching, learning and research		
Conditions of service or Student Support		Policy with regard to young people and vulnerable adults
Discipline and complaints		
Retirement	See Retirement Policy document	N/a
Termination of employment	See Retirement Policy document and references to Termination in Staff Handbook	
Monitoring	Confidential personnel files maintained in Bursary	
Publishing		

Note that documents relating to the College's Retirement Policy and the Policy on Children and Vulnerable Adults (*in preparation*) are attached.

3. Support and Advice

The College is able to provide some mechanisms for support and advice. Other vehicles are available via the central University. The College is not liable for the accuracy or appropriateness of advice given by a University body, but believes that the resources provided by the University may be useful to College members.

The Bursar is able to provide initial guidance and advice. He/she takes advice from an external human resources consultant where appropriate.

Student representatives are able to provide guidance and advice. The JCR and MCR Presidents and Welfare Officers should be consulted in the first instance.

For staff the UNISON representative is able to provide advice.

The University's [Diversity & Equal Opportunities Unit](#) is able to offer guidance and advice to departments on University policies.

Investigations into claims of harassment are carried out as per the College's Policy on Harassment

The University offers [training](#) in best practice for those involved in the admissions process, recruitment and selection, management and teaching.

Advice on childcare is available from the University's [Childcare Officer](#) or on the [Childcare website](#) where full details of University nursery and childminding provision, advice on staff and student funding, and application forms are available

4. Services and Information

[Age Concern](#) is a source of help and advice on practical living issues, health and support. The [local Oxfordshire branch](#) has a wealth of information on support available to older people and their families in Oxfordshire and how to access it. Includes details on daycare, home shopping, aid-call services, befriending and advocacy services, and financial and emotional support for carers of older people. A helpline number is offered for general queries.

Information on local housing for older people is available from the Council which also has details on how to apply for disability living grants.

Details of the shopmobility service are available from their website.

5. Links to Legislation and external bodies

- [The Employment Equality \(Age\) Regulations 2006](#)
- [Code of Practice on Age Diversity in Employment](#)
- [Equality Challenge Unit \(ECU\)](#) guidance on age.
- [Age Positive](#)
- [Employers Forum on Age](#)