



promoting equality and diversity
in higher education

ECU/UCEA Age Discrimination Working Group Guidance

Age Discrimination Legislation 2006

Guidance Note 5: Staff development and training – an ECU Publication

Scope of guidance

The Employment Equality (Age) Regulations come into force on 1st October 2006. The Regulations cover all aspects of employment policies and practices, including staff development and training. The planning and provision of staff training and development is integral to good performance management practice. This note complements Guidance Note 3 on Performance Management and the two should be read together.

HEIs will all have their own structure for delivering staff development and training. Some may have two different development units, one for academic and one for support staff. It is important to note that the Regulations cover training and development activity for all staff, both academic and support.

The regulatory framework

Earlier Guidance Notes in this series explain broadly the provisions of and exceptions to the Regulations. Further information about the Regulations is available from dti.gov.uk/employment/discrimination/index.html and on the ECU website www.ecu.ac.uk. For UCEA subscribers, update 06/53 also provides further information on the Regulations.

One important exception to the Regulations is positive action. Positive action can be defined as encouraging persons of a particular age or age group to take advantage of opportunities where it reasonably appears to the employer that this prevents or compensates for disadvantages linked to age. This is particularly relevant in a staff

development context to compensate for disadvantages affecting a particular age group. Where such positive action is taken it is important to be clear what legitimate aim the age related criterion helps to achieve.

General

Although often associated in public debate with older people's experiences, anyone of any age can experience ageism. Eversheds found that young people were actually more likely to report it. 60% of 16-24 year olds believe they have been treated unfairly because of their age and lack of experience¹. But a literature review commissioned by the Department of Work and Pensions² presents evidence that it is older workers who are actually disadvantaged in respect of the training and development.

- data from 2002 Labour Force Survey indicated that workers aged 50 and over were 50 per cent less likely than their younger colleagues to receive on or off the job training³
- data from English Longitudinal Study on Ageing also confirms the steady decline in training associated with increased age. Nearly 30 per cent of employees aged 52 had attended a formal education or training course over the past 12 months, compared with around 12 per cent of those aged 64⁴

Further research⁵ shows that barriers to training lie with both employer and employee in terms of who is put forward for training and development and who sees themselves as suitable candidates for training and development.

Managers and supervisors are often the crucial gatekeepers for decisions that are made about access to training and development opportunities. Training in age equality awareness, especially for managers and supervisors, as it relates to training and development is very important as it can help them make objective decisions about access to training and development opportunities.

McNair and Flynn⁶ comment on the location of the budget for training and development. Their research shows that where training is funded by the central HR

¹ From an Eversheds survey of over 2000 employees, 'A Working Wonder', September 2004

² 'Extending Working Life: a review of the research literature' (see Useful Resources)

³ Stoney C. and Roberts M (2003) 'The Case for Older Workers at Tesco: an examination of attitudes, assumptions and attributes'. Working Paper 53, School of Public Policy and Administration, Carlton University quoted in 'Extending Working Life: a review of the literature' (see Useful Resources)

⁴ 'Extending Working Life: a review of the literature' (see Useful Resources)

⁵ An excellent summary of the myths and assumptions about older workers and training and development can be found in 'Practical Tips and Guidance on Training a Mixed-Age Workforce' (see Useful Resources)

⁶ The age dimension of employment practices: employer case studies (see Useful Resources)

budget, it encourages managers to agree to training and development. However, if training and development is located in local budgets then access to training is more likely to be subject to an individual manager's judgement and personal management style. This highlights the need to ensure that line managers and supervisors are positively encouraged to be age neutral.

Training and development and performance management

Guidance Note 3 (in performance management) highlights the necessity of age neutral practice. Training and development are integral to the effective operation of performance management.

Training and development should be linked to the competencies, skills and technical knowledge required by the job. In this way, decisions on access to training and development will be driven by the demands of the post and the employee's future career aspirations and will not be driven by other, possibly discriminatory, factors and will be fair and transparent

It is important that employers avoid making assumptions that staff approaching retirement will not require training. With the introduction of the 'right to request to continue working' staff may wish to maintain and indeed develop skills so that they have the capacity to remain in post or progress within the organisation.

Research shows that older people in particular may be reluctant to take up training and development opportunities. This may be, in part, due to a lack of confidence or concern about the training methods employed. Through the performance management process there can be a discussion about the concerns of the individual and the most appropriate training method or style, for example, e-learning, mentoring or coaching so that the approach is tailored to the needs of the employee.

Performance management procedures will include a dialogue between employer and employee to explore the training needed to maintain standards and to meet emerging organisational challenges. A good performance review will provide an opportunity to discuss developmental issues around forward planning to change job roles either to progress through career grades or to change job profile as the employee approaches retirement (see Guidance Note 4 on Flexible Working). The manager/supervisor will also be able to identify staff for developmental roles such as mentoring and coaching so they may personally develop and to help retain knowledge, skills and institutional memory.

Action Plan

- Ensure all managers and supervisors have received age equality training. Recent Employers' Forum on Age research⁷ shows that 36% of respondents think that people should be managed differently because of their age
- Ensure training and development staff are aware of the forthcoming age equality laws and the possible implications for the design and delivery of courses
- Ask Training and Development staff to monitor take-up of training by age to provide a benchmark against which take-up in future years can be measured to determine progress
- Review all training and development policies and procedures to ensure they comply with age equality legislation

Useful Resources

Employment Equality (Age) Regulations – Taking Action Now (ECU publication)

<http://www.ecu.ac.uk/publications/updates/02-06.pdf>

Equality is Challenging 2: New Age Thinking, ECU Publication,

<http://www.ecu.ac.uk/publications/guidancepublications/EIC%202.pdf>

Defining Ageism, EFA publication, <http://www.efa.org.uk/publications/downloads/EFA-BandQ-Defining-Ageism.pdf>

Facts and Misconceptions About Age, Health Status and Employability, Age Partnership Group publication

<http://www.agepositive.gov.uk/agepartnershipgroup/pages/pdfs.htm>

Practical Tips and Guidance on Training a Mixed-Age Workforce, Age Partnership Group Publication

<http://www.agepositive.gov.uk/agepartnershipgroup/pages/pdfs.htm>

The Age Dimension of Employment Practices: Employer Case Studies: DTI Employment Relations Research Series No. 42

<http://www.dti.gov.uk/files/file11436.pdf#search=%22The%20Age%20dimension%20of%20employment%20practice%3A%20employer%20case%20studies%22>

Valuing Age: A Guide for Public Service Employers Managing Demographic Change in the Workplace, CEEP at <http://www.ceep.eu/media/right/publications>

⁷ Defining Ageism, Employers Forum on Age publication

Extending Working Life: A Review of the Research Literature, DWP

<http://www.dwp.gov.uk/asd/asd5/rports2005-2006/rrep299.pdf#search=%22Extending%20working%20lives%3A%20a%20review%20of%20the%20research%20literature%22>

Other useful links

ACAS <http://www.acas.org.uk/index.aspx?articleid=337>

Age Positive <http://www.agepositive.gov.uk/>

Age Partnership Group <http://www.agepositive.gov.uk/agepartnershipgroup/>

Department for Trade and Industry www.dti.gov.uk

Department for Work and Pensions www.dwp.gov.uk

The Employers' Forum on Age <http://www.efa.org.uk/>

Equality Challenge Unit – Age Guidance pages. Also, the recent update (02/06) The Employment Equality (Age) Regulations: Taking Action Now which can be found on the 'updates' page. www.ecu.ac.uk

The Employment Equality (Age) Regulations - <http://www.opsi.gov.uk/si/si2006/draft/20064266.htm>

Universities and Colleges Employers' Association <http://www.ucea.ac.uk/>