

# **Report to the Cabinet**



**Report reference: C/029/2006-07.**

**Date of meeting: 4 September 2006.**

**Epping Forest  
District Council**

**Portfolio: Finance, Performance Management and Corporate Support Services.**

**Subject: Age Discrimination Regulations.**

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## **Recommendations:**

- (1) That the Council's interim policy for the employment of staff over the age of 65 be replaced by the statutory provisions which come into effect on 1 October 2006;**
- (2) That the draft Procedure for making a request to work beyond age 65 be agreed;**
- (3) That the Redeployment and Redundancy Procedure be revised to remove any reference to service related criteria for redundancy selection; and**
- (4) That the 'date of birth' information be retained on the application form, pending review in 2 years.**

## **Report:**

1. On 1 October 2006 the Government will introduce legislation to combat age discrimination. This will in many respects mirror the existing legislation applicable to race and gender. An audit of the Council's HR procedures has taken place, and this has identified two procedures that require modification in order to be legally compliant.
2. Firstly, the Council has an interim policy that enables staff over 65 to continue working subject to an annual medical check. Advice received is that this is potentially discriminatory as it places a condition on staff who are over 65 which is not placed on those who are younger and which cannot be justified. Furthermore, the Government has introduced a right for an employee to request to work beyond 65, which an employer is under a duty to consider. Any medical/ill health issues would need to be considered as a normal part of employment rather than on attaining age 65. The procedure attached at Appendix 1 brings into effect the Government's recommendations in this respect, and it is proposed that this be adopted.
3. In addition, the existing Redeployment and Redundancy Procedure includes (as one of the potential criteria to select a member of staff for redundancy) an individual's length of service. Again, this could be found to be discriminatory and the procedure has been redrafted to take account of this.
4. Finally, the Council's existing application form includes a reference to the individual's date of birth. At this stage it is recommended that this reference be retained, as it is useful in assisting managers to carry out accurate checks of a potential employee's career history. This has the potential to uncover missing years from a career history, or possible issues of falsification of information. An option would be to include this in the equalities monitoring section of the application form. This is a tear off slip with confidential information, and the manager is not entitled to see it. Therefore it would

be impossible for the career history checks to be carried out effectively by the manager if the date of birth information was moved here. However, given the fact that case law will take some time to develop on this matter, it is suggested that the practice is reviewed in 2 years' time. In the meantime, the applicant's guidelines will be expanded to set out our approach to this matter.

5. The Committee will be aware that a number of changes have been proposed to the Superannuation Scheme. These have not yet been finalised at national level, but the age discrimination regulations will undoubtedly impact on them. This will be the subject of a separate report.

**Statement in support of recommended action:**

6. The Council has a statutory duty to comply with the forthcoming regulations.

**Options for action:**

7. None considered, as this will be a statutory duty for the Council.

**Consultation undertaken:**

8. Joint Consultative Committee.

**Resource implications:**

**Budget provision:** None.

**Personnel:** None.

**Land:** None.

**Community Plan/BVPP reference:** N/A.

**Relevant statutory powers:** The Employment Equality (Age) Regulations 2006.

**Background papers:** File papers in Human Resources.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** N/A.

**Key Decision reference (if required):** None.