Age Equality and the workforce

Further education and skills sector resources

Background

The UK population and workforce are ageing:

- The number of staff aged 65 and over who are still in work has doubled in the past decade;

- By 2020 almost a third of the UK's workforce will be over the age of 50; and

- The number of workers under 35 is falling (fastest decrease among the 18-24 age group)

Recent changes to legislation, such as the removal of the Default Retirement Age which now allows individuals to stay in work as long as they wish and are able, go some way to respond to this.

In the FE and skills sector, many providers are becoming more aware of the potential impact of these changes, and are keen to understand how this could affect them and their staff.

Resources for further education and skills providers

LSIS has been working with its partners to respond to these issues for the sector and has produced an initial suite of practical, informative resources for providers to promote understanding and share learning on approaches taken by others.
Available now are the following publications:

- **supporting inclusive workforce development –** a set of five information and 'self-assessment' resources to support providers in applying principles that promote equality within workforce planning and organisational development;

- **managing beyond the Default Retirement Age** – a short guide summarising the recent changes, what they mean for providers and where to go for further information;

- **extending working lives: creative approaches to managing and supporting older people in the workforce)** – a practical resource with examples from sector employers, suggested approaches and tips, and a self-assessment for providers.
- **six further education and Skills employer case studies: managing without fixed retirement –** developed in partnership between LSIS and the Association of Colleges, these show how college employers:

  - Have identified and are tackling barriers to older worker participation.
  - Are finding benefits from recruiting and retaining older workers.
  - Are managing issues and opportunities that arise in managing without a fixed retirement age.

    - Performance management
    - Succession planning
    - Flexible working
    - Older worker recruitment
    - Older worker training (Up-skilling)

- Managing health & safety

Next steps

LSIS are keen to continue developing resources and further information for sector employers on this area. If your organisation would like to participate as a case study to share experiences and approaches in tackling age equality challenges in the workforce, or if you require any training, support or further guidance please email: equalities@lsis.org,.uk.

Supporting inclusive workforce development

A resource pack for the further education learning and skills system

In partnership with

University and College Union

This set of five resources was developed to support organisations in the further education learning and skills system to understand and apply principles that promote equality within workforce planning and organisational development. These resources have a specific focus on age equality.

The self-study or group study units each contain a body of information and a 'traffic lights' self-assessment of current understanding and position based on the information provided. The self-assessment will help identify where further support or development activities are needed. Readers have the opportunity to suggest the kind of activity they think would be most appropriate to their need.

The resources draw primarily on the findings from the Age Equality Research[1] and the sector workforce analysis [2]. They also consider wider research on workforce and organisational development, the implications of the Equality Act 2010, the phasing out of the default retirement age (DRA) in 2011 and policy developments relevant to sector organisations.

1.   The Legal framework

This resource introduces what is required of individuals and sector organisations in promoting and managing organisational performance through integrating principles of age and other aspects of equality. The legislative framework requires organisations to promote equality and prevent discrimination. In light of increases in discrimination cases accompanied by increasing levels compensation, this resource pack is also intended to help with avoiding expensive and reputation-damaging litigation whilst developing a diverse workforce.

2.   Creative approaches to managing age equality in the workforce during difficult times

Learning and skills organisations have experienced mergers, impact of the downturn and recession in recent years. This resource highlights some of the implications for workforce planning and development as organisations seek to create an inclusive learning and working environment which delivers effective outcomes for learners and other customers during difficult times.

3.   Collaborative working relationships

This resource sets out arrangements for sector organisations considering working in partnership or collaborating with others in pursuit of similar or related objectives. Effective partner arrangements can provide the knowledge, resources and expertise that help to increase workforce capacity and capability; drawing on the diversity that exists in partnerships, the workforce and customer base to deliver goals/ outcomes.

4.   Addressing underrepresentation - creative approaches to attracting and supporting young people in the workforce

The sector faces the challenge of maintaining and developing levels of knowledge, skills and competencies of older staff while attracting and retaining younger staff who enter and leave the sector at similar rates. This resource suggests ways to attract, retain and develop young people as part of an overall strategic approach to workforce development and succession planning to support staff of all ages throughout their working lives.

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1   A Review and Analysis of Age Equality Practice in the Further Education Learning and Skills System …a new era of opportunity. LSIS, 2010
2   LLUK, The further Education College Workforce Data for England. An analysis of the Staff Individualised Record data 2008-2009

5.   Creating an inclusive organisational culture

This resource considers workplace attitudes and behaviours and how they can contribute to a culture of working relationships where staff is treated with dignity and respect, where discrimination is known to be unacceptable and individuals are equipped to challenge harassment or bullying without fear of reprisal.

Resource One

The Legal Framework: What is required of individuals and sector organisations in promoting and managing organisational performance through integrating principles of age and other aspects of equality?

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The Legal Framework: What is required of individuals and sector organisations in promoting and managing organisational performance through integrating principles of age and other aspects of equality?

This resource will introduce the following:

- An overview of the legal framework for age equality and how it informs your practice for performance.
- An understanding of the current position in the learning and skills system's workforce in relation to age.
- Examples of what would constitute unlawful age discrimination.
- An understanding of the relationship between age equality and other aspects of equality.
- Consideration of the impact of changes to the default retirement age in April 2011.

This resource focuses on age equality with reference to employment.

Learning outcomes

After completing this resource you should have an awareness of:

- The requirements in operation in relation to age.
- Your current level of understanding in relation to age and other equalities.
- The research results on age in relation to the learning and skills sector and why it is important.
- What unlawful age discrimination is and how it can be avoided.
- How age relates to other aspects of equality, for example race, gender and disability.

Effective application of the legal framework for age equality consistently with other equality characteristics is fundamental to establishing good practice and creating an inclusive workplace.

Consider the following:

1.   Age is of relevance to us all. Therefore, it should be a key consideration when looking at issues relating to race, gender, disability and other forms of equality.

2.   "Trades Union Congress research findings show that the most commonly cited form of employment discrimination is age bias and that it can affect workers of all ages. For example, younger workers may be unfairly viewed in recruitment and career progression due to perceived importance of 'time served,' this being directly related to their experience in the role. Older workers tend to be unfairly refused training or development opportunities."[1] The age profile of the further education workforce generally varies significantly across racial groups, creating implications for the progression and representation in the sector, of black and minority ethnic staff.

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1   A Review and Analysis of Age Equality Practice in the Further Education Learning and Skills System …a new era of opportunity. LSIS, 2010.

3.   The LSIS research found that HR/CPD practitioners and staff were generally unclear about age, which may be a discriminatory factor and the implementation of retirement, pensions, redundancy and other policies in their organisation.[2]

Defining Age

This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds, or people over 50).[3] Monitoring staff by their actual age will enable further categorisation by age group. This will help with developing and implementing appropriate monitoring systems that consider age with other equality characteristics.

What is unlawful age discrimination?

Unlawful age discrimination happens when someone is treated unfavourably because of their age, without justification, or is harassed or victimised because of their age.

The Equality Act 2010

The Equality Act 2010 provides a new legislative framework to protect the rights of individuals and advance equality of opportunity for all, to update, simplify and strengthen the previous equality legislation.

This applies to all employers, and includes private and public sector vocational training providers, employer organisations, and managers of occupational pension schemes.

People of all ages are protected therefore it is unlawful to directly or indirectly discriminate on the basis of age.

The age equality research commissioned by LSIS focused on the implementation of age equality from an employer perspective. However, learning and skills organisations as employers and service providers need to consider age equality from both perspectives.

The Public Sector Equality Duty

The Public Sector Equality Duty will apply to all protected characteristics replacing separate public sector equality duties related to race, disability and sex. The Duty comprises a general duty, set out in the body of The Equality Act 2010[4] and specific duties imposed through regulations. It is anticipated that the general and specific duties will come into force in April 2011.

The general duty ensures that public authorities must have due regard to the need to:

*   eliminate unlawful discrimination, harassment and victimisation
*   advance equality of opportunity between different groups
*   foster good relations between different groups.

The specific duties are designed to help public authorities meet the general duty. Once finalised they may cover gathering, analysing and publishing equality data and setting equality outcome objectives.

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2   Ibid.
3   CEHR website, glossary: http://www.equalityhumanrights.com/advice-and-guidance/equality-act-guidance/glossary-of-terms/
4   The Equality Act 2010 Chapter 1,149.

This resource offers an overview of the key points in relation to age. It is for guidance only and should not be taken to replace legal advice. It is recommended that expert advice is sought from an appropriate source when required.

Learning and skills employers should ensure that their employees do not discriminate on grounds of age. This makes it important to train staff about the requirements of the Equality Act 2010. This is one way of minimising the risks to the organisation. The Equality and Human Rights Commission has published sector-specific guidance 'What equality law means for you as an education provider- further and higher education'.

Exceptions and exemptions

Exceptions or exemptions may apply if it can be shown that different treatment can be justified as a 'proportionate means of meeting a legitimate aim.'

The following offer some examples of exemptions and exceptions:

- Pay and other employment benefits based on length of service. Employers may use pay scales that reflect growing experience or limit the provision of non-pay benefits to those who have served a qualifying period, subject to the five-year limit, for example if used as a tool for staff retention.
- Pay related to the national minimum wage, e.g. an employer may pay those aged 18–21 more than those under 18, as long as those under 18 are paid less than the minimum adult rate.
- It would be lawful to apply the exception based on the length of service for workers who have been in the role for more than five years. This would apply for all types of work within particular parameters.

Understanding discrimination

It is unlawful on grounds of age to:

Discriminate directly - that is, to treat a person less favourably than others because of their age – unless it can be shown to be a proportionate means of achieving a legitimate aim. Example: Older staff reported being told after returning from certificated sick leave, that the period of absence was unacceptable and they would be monitored for three months. "Younger members of staff who had equal, or longer periods of sick leave, were not given this warning, nor told they would be monitored."[5]

Discriminate indirectly - that is, to apply a criterion, provision or practice which disadvantages people of a particular age unless it can be shown to be a proportionate means of achieving a legitimate aim.

Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including the perception of the victim. It may not be targeted at an individual but consist of a general culture which, for example, appears to tolerate the telling of ageist jokes.

Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of age; or discriminate against someone, in certain circumstances, after the working relationship has ended. There is no requirement to compare employee's treatment with anyone else's for it to be deemed a valid complaint.

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5   A Review and Analysis of Age Equality Practice in the Further Education Learning and Skills System … a new era of opportunity. LSIS, 2010.

'Proportionate means of achieving a legitimate aim'

It will be lawful for an employer to treat people differently if it is shown to be a proportionate means of achieving a legitimate aim. For example, if the jobholder must be of a particular age. In such a situation the nature of the work and the context in which it is carried out must be considered.

This may involve a value judgment, increasing your risks as an organisation. Therefore expert advice should be sought prior to implementing any course of action that has used this to inform the decision to discriminate.

Combined discrimination – dual characteristics

Although this has not been implemented yet, and is currently under consideration, the Act plans to introduce a new concept of dual discrimination. Under the Equality Act 2010[6] it will be possible for individuals to raise an action of dual discrimination; in this case age may be combined with other characteristics. The incidence of disability is more prevalent in older age groups, as was shown in the recent LSIS research and therefore it may be important to manage this risk. It is also the case that the number of discrimination cases for both age and disability continue to increase and the legislation will only facilitate this pattern, where both grounds may be used in combination.

Phasing out the Default Retirement Age (DRA)

The Government has confirmed its plans to phase out the default retirement age (DRA) from 6 April 2011; with full abolition from 1 October 2011.

Employers will still be able to operate their own contractual retirement age, provided it can be objectively justified as a proportionate means of achieving a legitimate aim - 'Employer Justified Retirement Age' (EJRA). As employers consider introducing an EJRA, what may amount to a legitimate aim and whether the means used to achieve that aim are proportionate, will be of increasing importance.

What employers can do now[7]?

Until the expected draft regulations become available, employers can prepare by:

* reviewing existing recruitment, retirement and other workforce policies procedures and in line with the above; including tightening up performance management procedures, and consider training for managers on how to work without a DRA;
* reviewing employment contracts and, if relevant, any contractual retirement ages you have; considering whether these should be kept and if so, what evidence you would need to show that they are objectively justified;
* informing the workforce that this change is coming down the tracks, and consider whether wider workplace planning discussions should be introduced with all employees in order to manage workplace planning more effectively in the absence of a DRA. Be aware that any messages conveyed should be addressed to the entire workforce - singling out older employees is likely to be viewed as discriminatory;
* keeping up to date with the changes via such publications as: BIS's response to the consultation on phasing out the default retirement age, ACAS' guidance on working without a DRA and the Department for Work and Pensions' report: Age Positive - Workforce management without a fixed retirement age.

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6   The Equality Act 2010, Chapter2 s.14.
7   Wragge & Co Employment Law Legal Update. January 2011

The change to the DRA raises key issues to consider in managing age equality and preventing discrimination in the workplace.

- It will not deemed to be objectively justified as a proportionate means of achieving a legitimate aim to state that the organisation requires to save on its budgets and therefore all staff over a particular age must retire.

- On-going 'workability'[8] - Developing regular effective appraisal and career development processes, where the organisation works with individuals to include an assessment of their ongoing capabilities. This offers an important tool that will support individuals to identify if or when they would benefit from additional support or a change in role and responsibilities, for example, as a result of becoming disabled.

The Learning Skills organisations and age equality

The sector workforce profile and trends in relation to age[9], using the most recent information available at the time[10], show how age equality intersects with gender, race and disability. The implications of these trends will be examined in the different topics of workforce planning which this series of resources covers. The following statistics[11] show that:

- The sector has an older age profile with those aged 45-49 representing approximately 15 % of all FE staff in England.
- The youngest and oldest workers in the sector are on fixed term or temporary contracts; with implications for whether training is offered to either of these groups.
- 7 % of the workforce is aged under 25 years.
- Of staff leaving the sector, the highest rates found in the 40-44 and the under 25 years age groups.
- The proportion of staff aged 60-64 increased by more than 2 % in 2008-09.
- Multiple discrimination; in particular, age and disability. The research evidence highlights the need to consider disability in relation to age as incidence of disability increases with age. The quality of disability monitoring needs to be improved as only 3 % of staff indicated they are disabled in 2008/09.

Policy development and age equality

It is important that policy development and review incorporate the results of equality impact assessments, which include age. The LSIS age equality research found that when such reviews consider age they needed to be changed to remove potential barriers for specific age groups. It also highlighted that:

- The management of age equality concerns all ages – therefore the focus should not just be on recruitment and retirement.
- Age equality is a useful starting point for reviewing policies and practices – including issues such as disability and performance management.
- A positive approach to promoting age equality is more effective than focusing on legal compliance.

Policy development and equality impact assessments can be effectively facilitated through collaborating with, and drawing on the expertise that reside in the unions and other stakeholders. This may also enhance your capacity to create an inclusive workplace that prevents discrimination in your strategic workforce planning and implementation, and helps with the efficient promotion of all aspects of equality.

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8   The 'Workability Model' was developed in Finland. It is featured in the LSIS Age Equality research 2010.
9   LLUK, The Further Education College Workforce Data for England. An analysis of the Record data 2008-2009.
10   Ibid.
11   The workforce statistics quoted refer only to further education colleges.

Resource 1: Activities

- Establish the equality profile of your workforce: What does your organisation's workforce profile look like? Ensure that you map this with reference to both full time and part time contracts.
- What does your information tell you and how could you use it?
- How will you manage your staff in relation to their potential changing capabilities as they age, without being deemed to be discriminating?

Resource 1: Self assessment

Use the 'traffic lights' options to assess your position in this resource. Broadly speaking:

RED can indicate that you need to develop an understanding of how the age requirements apply to you and your organisation.

AMBER can indicate that your level of understanding needs to be developed further.

GREEN can suggest that you have a good understanding of the age equality requirements and their application, though improvements are always necessary to keep up with changes.

	Statement	Red	Amber	Green	Evidence / examples and comments
1	I/we can describe unlawful direct discrimination on age				
2	I/we can describe unlawful indirect discrimination on age				
3	I/we have a good understanding of age equality legislation				
4	I am/we are aware of the demographic profile of staff in my organisation				
5	I am/we are aware of the proportion of younger and older people who are on temporary contracts in my organisation				
6	I am/we are aware of how gender and age are linked with the employment profile within my organisation				

	Statement	Red	Amber	Green	Evidence / examples and comments
7	I am/we are aware of the how disability and age may work in combination to discriminate.				
8	I am/we are confident in my understanding of current research and policy on age equality within the sector.				
9	This is what we are going to do as a result of the findings of the above self assessment				

Your future development and ongoing support

Now that you have assessed your understanding and confidence at applying your knowledge in relation to age equality, which of the following would be most effective at supporting your continuing development?

1. ½ day interactive problem-solving workshop activities
2. On line resources
3. Formal direct coaching and mentoring

Any other ways you may like to suggest?

Please also forward details of related activities and approaches you have tried, what works/does not work and what you've learned to: equalities@lsis.org.uk

Resource Two

Creative Approaches to Managing Age Equality in the Workforce During Difficult Times.

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Creative Approaches to Managing Age Equality in the Workforce During Difficult Times.

Introduction
This resource will introduce the following:

- The principles of good workforce planning and development during difficult times[1] with a particular focus on age equality.
- Tools to enable good workforce planning and development.
- The current research on age equality and its implications for successful workforce planning.
- Understanding the relationship between age with other aspects of equality in relation to workforce planning and development.

Learning outcomes
After completing this resource you may have a general awareness of:

- How you currently work at a strategic level to plan your workforce and the areas that could be potentially developed to improve organisational performance during difficult times.
- Tools to use in assessing strategic planning impacts on your work force. For example, monitoring, equality impact assessments, training needs analysis and audits.
- What unlawful age discrimination is and how to avoid it.
- The evidence on recruitment, selection and progression in relation to age equality and how age relates to other aspects of equality, in particular, race, gender and disability.
- How to accommodate the ageing process in the management of your workforce.

The principles of good workforce planning and implementation during difficult times, with a particular focus on age equality.

Consider the following:
1. It may unlawful to discriminate to save money, even when strategically it will offer economic efficiency, a real aim for the organisation[2]. This real aim may not be said to be legitimate, and therefore lawful, if the policy is simply to discriminate on the basis of age.[3]

For example, the Employment Appeal Tribunal (EAT) ruled on whether employers can objectively justify age discrimination in a redundancy situation. In Woodcock v Cumbria Primary Care NHS Trust, Mr Woodcock claimed that his dismissal amounted to direct age discrimination, as notice to terminate his employment was timed to expire one month before his 50th birthday, when he would have benefited from an enhanced pension. The EAT found that Mr Woodcock had suffered direct discrimination by being dismissed without proper consultation, but this was justified as it was a proportionate means of achieving a legitimate aim – which included the avoidance of a significant cost to the Trust in respect of the enhanced pension[4].

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1   'Difficult times' might include restructuring, mergers, economic downturn, recession, etc.
2   CEHR guidance; it is still to be established whether money saving initiatives may be considered a legitimate aim.
3   The Equality Act 2010
4   Woodcock v Cumbria Primary Care Trust UKEAT/0489/09/RN

Sector employers should note that some other factor, in addition to cost, may be required in order for such actions to be considered legitimate. Guidance on using the equality duties to make fair financial decisions has been published by The Equality and Human Rights Commission.

1.   The LSIS Age Equality research found that HR/CPD practitioners and staff were unclear regarding employers' and employees' legal position on retirement, pensions, redundancy and related policies in their organisation.[5]

2.   The profile of the further education workforce in colleges in 2008/09[6] showed that:

- Over 35 % of all staff was over 50 years old [7] - compared with the labour market statistics for England of around 25 %[8].
- Staff aged under 25 years represented the smallest staff groups across three years to 2007/8 and they were the most likely to be employed on a casual or temporary contract.
- The average age of teaching staff is 45 years.
- 7 % of the workforce were aged under 25.
- 3 % of teaching staff aged under 25.

3.   The demographics of the labour market in the UK increasingly reflect differences in the age profile of different ethnic groups. The white population has a significantly older profile than the black and ethnic minority population[9]. This is relevant when considering workforce planning and development and the current levels of representation within further education.

4.   Those countries that experience the biggest decline in older workers' jobs also experienced the largest drop in jobs for young people.[10]

i.   The workforce is getting older, smaller and increasingly the employed workforce is female[11]

Tight definitions and profiles that are useful for policy do not account for the vast diversity among individuals in different age 'brackets'. Defining people by age alone misrepresents the value of an individual and their contribution to the workplace and society.[12]

What is workforce planning?

- Strategic Workforce Planning may be described as a business process for ensuring that an organisation has suitable access to talent to ensure future business success. Access to talent also includes considering employment, contracting out, partnerships, changing business activities to modify the types of talent required, etc.
- Talent – we understand 'talent' to mean the skills, knowledge, approach and ability to undertake required activities to meet business needs, including decision making.
- Establish a spirit and culture of cooperation between employers and workers, delivering more flexible working and improvement in the work-life balance for staff of all ages. The union may facilitate this process as part of its ongoing support on workforce development issues.[13]

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5   A Review and Analysis of Age Equality Practice in the Further Education Learning and Skills System … a new era of opportunity. LSIS, 2010.
6   LLUK, The further Education College Workforce Data for England. An analysis of the Staff Individualised Record data 2008-2009
7   Ibid
8   Labour Force Survey
9   Census of Population 2001
10   Age Diversity in the Downturn, business benefits of creative approaches to age management. Conference paper from the QE II Conference Centre, London, March 2009.
11   Ibid
12   Natalie Turner Laura Williams Corporate Partners Research Programme. The ageing workforce. The Work Foundation. 2005
13   Age Diversity in the Downturn, business benefits of creative approaches to age management. Conference paper from the QE II Conference Centre, London, March 2009.

- Reliance on voluntary attrition as a way of avoiding the need to cut jobs,[14] may result in the loss of valuable skills and capability as key staff leave the organisation.
- There are benefits in having flexible staffing arrangements to meet peaks in demand and avoid undue pressure on staff. In the mid and longer term, there will be a greater need for flexible staffing rather than less.[15] Interim managers, part time or other temporary staff can be developed to play a leading and cost-effective role in the organisation. However, this will only be effective if it is part of strategic workforce planning which continuously monitors and reviews this policy and its effects on different equality groups.

When seeking to develop the workforce, sector organisations may consider making the opportunities flexible enough to accommodate staff on casual contracts. Further, the organisation should recognise that all employees have a right to development opportunities and seek to provide a fair work environment for all, regardless of age or type of contract.

The importance of addressing workforce planning at a strategic level

Workforce planning is considered an ongoing process, where a system is established that continuously monitors, assesses and reviews the skills and knowledge held and needed by the organisation, identifies and responds to any gaps and then repeats the cycle on a regular basis.

The business benefits are most likely if the organisation has the right skills and expertise to deliver on learner, employee, and business partner expectations. For example an employer, who needs their employees to have a particular qualification, and employees who want to study this and progress their career.

The potential impact of a lack of strategic workforce planning:

Organisational workforce restructuring is most likely during difficult times. In such cases it is essential that any restructuring is carried out as part of a long-term strategy.[16] Any cuts must be part of an holistic approach to planning and developing the workforce with a long-term view of sustainability.

- **An increase in expensive litigation and discrimination claims.** This is indicated in the most recent employment tribunal appeals statistics which highlights an upward trend in discrimination cases and in compensation payments.[17]

"In 2009/10, there were 126,300 jurisdictional claims associated with unfair dismissal, breach of contract and redundancy, which is 17% higher than for 2008-09 and 62% higher than in 2007-08, and likely to be a result of the Economic recession."[18]

- **Workforce gaps and reduced organisational capability, quality and effectiveness.**[19] For example, if you decide to employ more tutors and less senior lecturers, a first class lecturer is made redundant and a less competent person remains, that represents a cut in organisation's capability.[20]
- **Losing your best staff.** Your good employees are the ones who will find it easiest to get a new job. They will know this and are likely to be first to start looking. Lowering the quality of your workforce will leave you less well placed to capitalise on the recovery.[21]

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14   Ibid
15   CBI/Harvey Nash employment trends survey. February/March 2010
16   Age Diversity in the Downturn, business benefits of creative approaches to age management. Conference paper from the QE II Conference Centre, London, March 2009 CEHR and TAEN.
17   Ministry of Justice: Employment Tribunal and EAT Statistics 2009 – 2010 (GB).
18   Ministry of Justice: Employment Tribunal and EAT Statistics 2009 – 2010 (GB).
19   Ibid
20   www.managementtoday.co.uk. Don't you believe it. A recruitment freeze will cut your costs
21   Ibid

- **No clear view of where the talent and specialist skills reside.** Therefore, organisations are unaware of who they can least afford to lose until they have left.

Workforce planning decisions based on age or any other equality characteristic is unlikely to account for the skills and expertise required to engage successfully with a diverse learner, and wider customer base.

Tools for workforce planning

Managing the risks associated with the increased incidence of discrimination cases, the increasing levels of compensation payouts and the Public Sector Equality Duty, to promote equality, prevent discrimination and promote good relations between diverse groups,[22] require essential tools for workforce planning and development that include the following:

- Gap analysis of the skills in the current workforce with those required to meet current and future organisational needs.
- Training needs analysis of the existing workforce.
- Equality monitoring in all aspects of recruitment, selection, retention and development and of changes in the work force profile.
- Equality impact assessment of policies, in this case those that specifically relate to the strategic planning of the workforce. It will be important to include research and workforce trends within the equality impact assessment process.

Resource 2: Self assessment

The 'traffic lights' options are provided to help you assess your knowledge and understanding. Using this approach:

RED   may indicate that you need to develop an understanding of how the age requirements apply to you and your organisation.

AMBER   may indicate that your level of understanding needs to be developed further.

GREEN   may indicate that you have a good understanding of the age equality requirements and their application, though improvements are always necessary to keep up with changes.

	Statement	Red	Amber	Green	Evidence / examples and comments
1	This organisation has a clear strategy for maintaining an effective workforce.				
2	My organisation used recent data on the profile of our workforce, including data on age, ethnicity, gender, disability, sexual orientation, religion and belief, marriage and civil partnership to inform its strategy.				

	Statement	Red	Amber	Green	Evidence / examples and comments
3	The organisation monitors staff in terms of all types of contract: part time, full time, permanent, temporary – by age and other equality characteristics.				
4	The organisation's Policy considers and seeks to mitigate the impact on particular groups of staff, and was impact assessed before implementation.				
5	Unions and other stakeholders were consulted/involved as part of the impact assessment process.				
6	The organisation maximises the use of flexible working to fill workforce gaps.				
7	This organisation develops temporary managers, etc. for the new role they occupy.				
8	The organisation monitors staff leaving by characteristics, level, etc. And uses the information to inform workforce planning decisions.				
9	This is what we are going to do as a result of the findings of the above self-assessment.				

Whilst equality monitoring is important and widely recommended, organisations should be mindful of the information they are seeking to collect on the different staff characteristics. LLUK provides equality monitoring guidance relevant to the sector: www.lluk.org/documents/equalitymonitoring. The Commission for Equality and Human Rights also provide a set of guidance for employers on 'Equality policies, equality training and monitoring' www.equalityhumanrights.com.advice-and-guidance/guidance-for-employers .

Your future development and ongoing support
Now that you have assessed your understanding and confidence at applying your knowledge in relation to age equality, which of the following would be most effective at supporting your continuing development?

1.   ½ day interactive problem solving workshop activities.
2.   On line resources.
3.   Formal direct coaching and mentoring.

Any other ways you may like to suggest?
Please also forward details of related activities and approaches you have tried, what works/does not work and what you've learned to: equalities@lsis.org.uk

Resource Three

Collaborative working relationships.

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Introduction
This resource will introduce the following:

- Setting up a partnership that embeds equality and diversity principles.
- Different models for collaborative working - considering the importance of empowerment.
- Identifying the most appropriate partners to achieve a particular organisational aim.
- Power and its influence within partnership working.
- Cross sector relationships.
- Conflict resolution.
- How to recognise and avoid the potential exploitation of particular partners, as a result of their intrinsic difference, lack of awareness of potential vulnerability.
- Short-term partnerships and their particular need to focus on outcomes.

Learning outcomes
After completing this resource you may have a general awareness of:

- The benefits of establishing a principled approach to developing the partnership, grounded in diversity and equality.
- The benefit of taking time to plan partnership working effectively at the outset, developing an agreed terms of reference.
- Awareness of different models for different types of partnership and their aims.
- Who the potential partners for effective collaborative working might be, in different circumstances.
- Tools to identify areas of common interest and potential conflict.
- Tools to manage the power and influence within different partnership arrangements so that mutual benefits are achieved.
- Increase awareness of how exploitation may occur within some poorly managed or referenced partnerships.
- The importance of clear roles and responsibilities, identifying accountability and governance.

Why collaboration is important in further education and different models that may be used.
Collaborative partnerships, within the context of the learning and skills sector are the mechanism for designing **comprehensive strategies** that strengthen the outcomes for learners, staff, employers, and the local community.[1] For example:

1. Building capacity within demand led and resource constrained environments
An example: where Further Education College and a Work Based Learner Organisation create a partnership to develop the staff capacity to meet private sector employers' specific needs, where FE staff deliver the theoretical learning and the WBL provider delivers the practical element. This helps to demonstrate how diversity in staff resources may lead to better understanding of a range of clients' needs and the capacity to meet those needs.

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[1]   Further Education Colleges: Models for Success. Department of Business and Innovation 2008. Accessed at: http://www.bis.gov.uk/assets/biscore/corporate/migratedD/ec_group/112-08-FE_on

2. Deploying expertise, achieving shared objectives
An example: a College may collaborate with private consultancies and organisations to bid for public sector tenders which commission the delivery of specific services. None of the partners would be successful individually but through collaboration all can increase their opportunities for a successful bid. Public sector contacts require equality and diversity criteria to be met as part of their procurement processes and to be demonstrated during delivery of the commission.

3. Managing potentially high risk situations to create stability
For example, working internally with the unions on the development and implementation of human resource policies and equality impact assessments, can promote good relations and employee engagement, as well as decrease the risks of future potential conflict, between the workforce and the organisation.

This role for the Unions is to be differentiated from their activities within the context of 'recognition agreements,' where the workforce is actively expecting the union to represent them, in relation to contractual terms and conditions. The main consequence of statutory recognition is that the employer is then obliged to undertake collective bargaining with union representatives on pay and other matters.[2]

4. Deploying technology effectively to develop capacity
A note on language: an agreement which covers collaborative working may be known as:
-         collaborative working, joint working or partnership agreement or
-         protocol memorandum of understanding (MoU)
-         service level agreement (SLA)
-         contract joint venture agreement.

There are specific associations with some of the above agreements – for example, service level agreements are often focused on the delivery of targets for each partner and are often related to different funding agreements.

Pointers for successful collaborations

1: Know thyself. We all have individual bias, assumptions and values. This influences the way we interact in groups and develop relationships and collaborations. Each person's reality is based on self-developed perceptions. To be able to trust others it is essential to be aware of your own preferences, bias, assumptions and values and how these are influencing your own mental map (model) of partnerships.

2: Learn to value and manage diversity. Acknowledging and managing differences are essential assets for effective collaborative processes and outcomes.

3: Develop constructive conflict resolution skills. In the collaborative paradigm, conflict is viewed as natural and as an opportunity to deepen understanding and agreement.

4: Seek to create win-win situations. The sharing of power and the recognition of one's own power base is part of effective collaboration.

5: Apply interpersonal and process skills. Leadership competence, cooperation and flexibility are the most frequently identified attributes important to effective collaborative practice.

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2   Eversheds's Guide: Trade union recognition in the UK: an overview of how the law is operating in 2009:
         http://www.eversheds.com/documents/services/Labour % 20Law/TU_recognition_document_November_2009.pdf

6: Recognise that collaboration is a journey. The skill and knowledge needed for effective collaboration take time and practice. Conflict resolution, organisational excellence, appreciative inquiry, and knowledge of group process are all life-long learning skills.

7: Appreciate that collaboration can occur spontaneously. Collaboration is a mutually established condition that can happen spontaneously if the right factors are in place.

8: Balance autonomy and unity in collaborative relationships. Learn from your collaborative successes and failures. Becoming part of an exclusive team can be as disadvantageous as working in isolation. Be reflective, willing to seek feedback, and admit mistakes for dynamic balance.[3]

Effective partnership working and their key characteristics:

Each of us has a map or mental model inside our heads that creates meaning for the things we experience. The strength and effectiveness of the partnership may be determined partly by the assumptions, bias, values, experience and expectations of the individuals involved in the collaborative activity. If this is not managed successfully these can inhibit effective partnership relationships and impact negatively at an organisational level. The process of developing this shared map is critical to success.[4]

The impact of diversity within collaboration

Greater diversity can provide the potential for greater capacity for making complex decisions, where varied interests need to be balanced. Without diverse perspectives, no synthesis can occur and decision quality suffers.[5]

A partnership's recognised capability is related to its awareness and acknowledgement of all aspects of its diversity. An appreciation of this must be put into action if communication is to be effectively focused on true collaboration which is inclusive.[6] However, it takes a conscious effort to do this – the partnership or team need to be consciously competent. Individuals tend to be initially more comfortable with people who have similar work styles, experiences and outlooks to their own. Often in a group situation, individuals connect with others they are comfortable with; and this can mean that the opportunity to optimise collaboration with different group members is missed. This lack of seeking diversity of perspectives can lead to exclusiveness and diminished use of available professional resources. This exclusionary practice has been recognised as a negative side of collaboration.[7]

The process of building a collaborative partnership is multidimensional. It involves:

- recognising opportunities for mutual benefit and potential development for individuals and organisations;
- mobilising people and resources to create changes and achieve the development;
- developing a common vision of the outcomes and how to achieve these;
- identifying and being prepared to seek support and involvement from partners that may be diverse and non-traditional;
- choosing an effective partnership structure;
- identifying the context and local conditions for the partnership, completing a risk assessment, to consider if these will support or inhibit the collaborative effort;

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3   adapted from table 1 in Ten Lessons in Collaboration: Essential Competencies for Collaborative Partnerships: Ten Lessons
4   Senge, P. The Fifth Discipline: The Art and Practice of the Learning Organization. 1990
5   As quoted in Medscape: Ten Lessons in Collaboration: Essential Competencies for Collaborative Partnerships: (Amason, 1996; Murray, 1989).
6   See Resource 5 in this series 'Creating an Inclusive Workplace'
7   (Cooke & Kothari, 2001). As referenced in Ten Lessons in Collaboration: Essential Competencies for Collaborative Partnerships.

- building trust among collaborators/partners; and
- developing learning opportunities for partners in relation to and about each other;
- moving beyond transactional relationships to collaborative planning, action and review;
- agreeing what and how you are going to measure in the partnership work and ensure this data is available and systems are developed to collect it and use it;
- designing a partnership model that will encompass the needs and capacities of the partners involved, and one that will take into account the nature of the sector they are in.

The research on the further education system shows the common characteristics for success in collaborations to be environment, trust, history, individual experience, process, communication, purpose and resources.[8]

Tools

1. Developing a shared vision that incorporates equality impact assessments.

In partnerships with multiple stakeholders, it is helpful to have a shared vision, strategy and means of assessing each partner's contribution to achieving the intended goal. During this process, exploring the shared equality and diversity values and principles will maximise the performance of the partnership and ensure that each partner meets their legal obligations in relation to the public duties.[9]

Once there is agreement on the shared vision and strategy, completing an equality impact assessment will provide an opportunity to check the benefits and any negative impacts to specific groups. This equality impact assessment will be best completed by the active members of the partnerships. The process of agreeing the methodology and completing the impact assessment will provide another opportunity for the partners to solidify their shared map for the collaboration and its intended outcomes.

The benefits of completing an equality impact assessment at this point in the collaboration would be as follows:

- Checking common understanding of outcomes for the programme.
- Ensuring there are no negative impacts for any particular groups of people with specific characteristics.
- Managing the risks for the partnership, as in doing an equality impact assessment it can demonstrate that it did consider the outcomes for different groups and make informed decisions.
- It will ensure that where negative impacts or potential discrimination are shown, the partnership can discuss this and identify if they are taking proportionate means to achieve a legitimate aim[10] that would be recognised as such by the courts.
- It will identify the different aspects within the collaboration that can be monitored throughout to measure the impacts of the partnership and its work.

2.   Developing written partnership agreements

Trust plays an important part in relationships between organisations and within different interest groups within organisations. However, even where there is trust on which to build, a written agreement can help to avoid misunderstandings.

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8   Managing collaboration across further and higher education: a case in practice Michael Connollya; Catherine Jonesa; Norah Jonesa Journal of Further and Higher Education, Volume 31, Issue 2 May 2007 , pages 159 – 169.
9   The Equality Act 2010.
10   Equality Act 2010

A written agreement will:

- provide a common reference point, useful to guide the collaboration on a daily basis in addition to occasions when confusion arises,
- support sustainability - if there is a turnover of staff working in the partnerships, the agreement can be crucial to maintaining mutual understanding and expectations between partners,
- set out the roles and responsibilities and the boundaries that distinguish the joint work from the ongoing operations of each partner so that all parties are clear.
- offer the opportunity to build your relationship and develop joint ownership of the collaborative work, during the process of discussing what goes into your agreement,
- be informed by the legal framework for equality and the public sector duty that applies.

3.   Create a template for developing a written agreement that considers:

a)   Brief outlines of partners' individual vision, mission and values.
b)   Equality and diversity values and responsibilities.
c)   Benefits of collaboration to each partner.
d)   Budgets available.
e)   When and how will it be reviewed?
f)   Communication strategy – who is going to communicate what from the partnership to whom and how?
g)   Dispute resolution – how will you handle misunderstandings and disputes? What are the deal breakers that would make you withdraw from the partnership?
h)   Duration: how long will the collaboration last?

4.   Exit strategy and the completion of the partnership

i.   what is the planned completion for the partnership?
ii.   how will this be done?
iii.   what are the legal considerations?
iv.   what are the financial considerations?
v.   project review and feedback on progress with equality goals and outcomes.

5.   Conflict resolution and collaborative leadership - understanding and managing power

Different types of organisations may be motivated to be involved in partnerships for a variety of reasons. The differential power among partners can have an influence on effective collaboration as unequal power is generally incompatible with integrating the multiple perspectives that are critical to understanding and solving complex problems. Having one perspective dominating whilst others are silenced negates the concept of shared power that is essential to effective collaboration. The dominant power can work more effectively by facilitating the more even distribution of power and influence in the partnership.

The power relations in collaborative partnerships are critical and partners must take account of the exclusionary and inclusionary practices often built on deficit ideologies that these generate.[11]

In seeking to work in collaboration with partners representing minority interests, it is important that further education organisations are aware that aspects of perceived or real institutional discrimination can be discussed openly in pursuit of the shared aim of promoting equality and inclusion. Professionals in the partnership will need to recognise the positive aspects of such discussion and its role in effective decision

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[11]   Collaborative partnerships in community education Tett L.; Crowther J.; O'Hara P. Journal of Education Policy, Volume 18, Number 1, 2003 , pp. 37-51. Routledge, part of the Taylor & Francis Group

making; along with the associated leverage it provides for organisational change and development. A tool for success therefore will be leaders who are skilled at facilitating and promoting collaborative working through debate (conflict) over task issues and promote the expression of different perspectives concerned with how problems are defined and approached. Therefore, conflict resolution can be a key aspect of collaborative success, as it requires a focus on acknowledging, monitoring and managing both the task and relationship.

Resource 3: Self assessment

The 'traffic lights' options are provided to help you assess your knowledge and understanding. Using this approach:

RED   may indicate that you need to develop an understanding of how the age requirements apply to you and your organisation.

AMBER   may indicate that your level of understanding needs to be developed further.

GREEN   may indicate that you have a good understanding of the age equality requirements and their application, though improvements are always necessary to keep up with changes.

	Statement	Red	Amber	Green	Evidence / examples and comments
1	Collaborative working is something that our organisation has already experienced or have considered.				
2	My organisation works in partnership with others. We have/are working with a partner organisation on behalf of my employer.				
3	The organisation ensures that equality principles and duties are monitored, and met with the outcomes reported in partner agreements.				
4	I have completed different exercises and development opportunities that have made me aware of my personal bias and preferences.				
5	The organisation develops and supports staff to recognise and challenge discrimination in partnerships they are involved in.				

	Statement	Red	Amber	Green	Evidence / examples and comments
6	The organisation reviews partnership outcomes and provides feedback to partners on processes towards equality goals and outcomes. This is done by...				
7	This is what we are going to do as a result of the findings of the above self assessment...				

Your future development and ongoing support

Now that you have assessed your understanding and confidence at applying your knowledge in relation to age equality, which of the following would be most effective at supporting your continuing development?

1. ½ day interactive problem solving workshop activities.
2. On line resources.
3. Formal direct coaching and mentoring.

Any other ways you may like to suggest?

Please also forward details of related activities and approaches you have tried, what works/does not work and what you've learned to: equalities@lsis.org.uk

Resource Four

Addressing underrepresentation - creative approaches to attracting and supporting young people in the workforce.

Resource Four

Addressing underrepresentation - creative approaches to attracting and supporting young people in the workforce.

Introduction
This resource introduces the following:

- The sector workforce analysis and research on age equality and its implications for the future profile of the further education workforce.
- Tools that support maintaining the knowledge and experience of older people in the workforce as they take more flexible/part time roles at work or retire.
- Approaches to attracting and supporting young people in the workforce.
- Evidence of the need for encouraging and supporting young people into the further education college sector workforce.
- The age equality requirements of the Equality Act 2010.
- Potential barriers to recruiting, retaining and developing young people in the further education and skills system.

Learning outcomes
- Awareness of a range of mechanisms for supporting young workers that can benefit both younger and older workers. For example mentoring, executive coaching and secondments.
- Enhanced knowledge of different ways of supporting young people in the workforce as part of overall workforce planning and development.
- Awareness of networks such as the AoC regional networks that are recognised as providing valuable professional updating which can be used by Human Resources Mangers to support and develop younger staff.
- An enhanced awareness and understanding of why there is an underrepresentation of younger staff in the further education college workforce and what might help to change this situation.
- The understanding that creative approaches to supporting young people in the workforce may involve older staff in tailoring established approaches, such as mentoring and coaching, to suit the organisation's circumstances and those of the individuals that are intended to participate in and benefit from the activity.
- How discrimination continues to impact on young people developing a career within the further education system, particularly those with specific characteristics, in particular, race and disability.

How equality impact assessment can be an important workforce development tool that highlights the outcomes which particular initiatives can have on different groups of staff whether defined by age or other characteristics.

Including younger staff in strategic workforce planning

Whilst working to support staff generally, organisations may consider how appropriate the activities are for motivating and encouraging younger staff to pursue their long term career in the organisation. This is important because the older age profile of the further education college sector has not changed significantly over time. The most recent analysis[1] shows that in 2008-2009.

- Over a quarter of staff was in the 50 to 59 age group.
- 29% of all staff was aged between 40 and 49.
- 3% of teaching staff was aged below 25.
- 7% of the workforce was aged below 25.
- The majority of staff across all age groups was employed on permanent contracts; the youngest and oldest staff were more likely to be employed on a fixed-term or casual basis.
- Staff aged under 25 were entering and leaving the sector in similar proportions.

In addition, older staff working beyond age 65 will contribute to increasing the higher age profile[2] and exacerbate the current underrepresentation of younger people in the sector. The implications relate to the resulting skills gap caused by the loss of opportunities to retain knowledge and experience when older staff leave the organisation. This can have significant impact on the sustainability, standards and quality of services offered and the capability to deliver effectively.

The above are national trends. At organisational level, it would be important to know the staff profile in greater detail and establish the gender and ethnic and other equality profiles within all age groups at different levels in the workforce.

Workforce monitoring and development

Tools that support the retention and development of young staff includes the following:

The further education sector has established networks, facilitated by LSIS and Association of Colleges, (AoC) for example, that focus on topics including Equality and Diversity and Human Resource management. These provide opportunities for discussion, professional updating and sharing of knowledge across the further education sector. The topics may include the effective use of various means of supporting particular staff groups, including young people in the workforce. Such approaches might include the following:

- Executive coaching
- Mentoring
- Peer mentoring
- Secondments
- Work shadowing
- Work placements
- Apprenticeships

All the above may help to develop and retain younger staff in sector organisations. These mechanisms can help younger staff to become aware of and try different roles in the organisation and identify the ones which they would like to pursue.

Equality impact assessment (EIA) may also be used as an organisational and staff development tool, to demonstrate and justify the need to focus on recruiting and retaining younger staff. The EIA may identify that the organisation and policies are having a disproportionate or negative impact on younger staff and

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1   LLUK, The further Education College Workforce Data for England. An analysis of the Staff Individualised Record data 2008-2009:
        LLUK, Annual Workforce Diversity Profile: an analysis of further education colleges in England. 2007/08
2   Ibid

their career opportunities. For example, EIAs may demonstrate that young staff are most likely to leave the organisation as a result of the implementation of policies such as 'last in, first out' in redundancy situations. The research[3] found that this is still used to determine who should be made redundant from sector institutions despite its potential negative impact on a strategic approach to workforce development. It is important that all approaches to managing the workforce are impact assessed so that potential to impact disproportionately on different staff groups is addressed.

Positive action

Section 159 of the Equality Act 2010, which provides for positive action in recruitment and promotion, will come into force in April 2011. This will enable employers to apply voluntary positive action in recruitment and promotion processes to address under-representation in the workforce. Employers need to ensure they are using this discretion correctly, as positive discrimination remains unlawful [4].

Approaches to recruiting and developing younger staff

The LSIS Equality and Diversity Network consulted[5] on the resources recognised that organisations providing learning to young people may not be doing enough to encourage them to consider working in the sector. Those attending the network meetings suggested that there is a potential role for sector providers in:

- Encouraging young learners to consider a career in the further education sector by informing them of in-house employment opportunities, rather than relying on passive or conventional recruitment mechanisms. However, fair and open processes will need to be applied throughout the recruitment and selection processes.
- Teacher training – providing employment opportunities for trainee teachers and tutors via work placements during their course and work opportunities when they qualify.

Further education organisation may also consider using other established means to inform potential staff about potential job opportunities in the sector. These include:

- Internal career fairs that promote opportunities in the organisation and in the wider further education sector.
- Collaborative working with employers to develop their skills base and add to the learning organisation's resources.
- Specific local employability programmes with Job Centre Plus around areas of skills gaps within the college – looking at transferability of experience and skills into learning and teaching.

In addition to established initiatives such as Apprenticeships and Traineeships, applying the following may involve older and younger staff collaborating to develop share and maintain organisation skills and competencies and help to improve staff efficiency, creativity and capability:

Executive coaching[6] engages an expert in helping individuals to:

- Define work-related goals.
- Assess their current levels of knowledge and skills.
- Target areas to strengthen or improve their knowledge or skills.
- Create and work towards an effective action plan.

3   A Review and Analysis of Age Equality Practice in the Further Education and Skills System …a new era of opportunity LSIS, 2010
4   Wragge & Co Employment Law Legal Update, January 2011
5   Consultation feedback from LSIS Equality & Diversity Network meetings - Coventry, London and Manchester, September 2010
6   Lampshire, J. and Lewis, L. (2008) *Coaching*. CIPD toolkit. London: Chartered Institute of Personnel and Development.

- Understand and overcome barriers that may inhibit their progress in the workplace.
- Become accountable for implementing the changes required to reach the goals they agree to achieve.

Mentoring can play a key role in developing young workers' careers. The mentoring process helps with fostering a climate of continuous learning and improvement, fostering employee development and professional growth.[7]

Mentoring initiatives that involve older and younger staff may help with career planning for younger staff as part of a workforce development framework that retains the knowledge and skills of older workers when they take on flexible or part-time roles. For example:

- Increasing effective communication with managers and other staff throughout the organisation.
- Support with their career development and knowledge and skills acquisition, including technical expertise, relationship building, team working and risk taking.
- Improving individual performance.
- Fostering diversity through the matching of mentors and mentees with different equality characteristics and backgrounds.

Younger people recently employed in the further education system, are from increasingly diverse backgrounds. This contrasts with older people working within the system who appear to be predominantly white and female. In working with staff profile data, organisations should always look at their own data and not base their policies on national trends.

It is important where mentoring schemes are being developed and introduced that the mentors receive appropriate training, that equips them to mentor effectively 'across difference' and develops this as a central competency. For diverse mentoring relationships to work effectively, both mentors and mentees need to understand how group differences within their own organisation affect access to power and privilege in the wider working environment as stereotyped assumptions about people from particular backgrounds continue to affect their opportunities in the workplace.[8]

It is also clear that diversified mentoring partnerships are more likely to flourish in an environment that nurtures and accepts diversity in all its forms.[9] For example women who have reached senior positions often choose not to discuss the effect of their gender on their work experience, either by saying it has not been an issue or they would prefer not to discuss it.[10] Unconscious discriminatory attitudes are held by both oppressors and oppressed and can be built into individuals and organisational culture and become hard to recognise and challenge[11].

Peer mentoring can be a mechanism for mutual learning which allows the mentor and mentee in the relationship to develop transferable skills. Peer mentoring can provide valuable support for staff at critical points in their careers[12]. In addition:

- Secondment to partner voluntary/community sector organisations or local employers may help to enhance staff understanding of how their work impacts on the wider environment.
- Work shadowing can be used to help to provide younger and new employees of all ages with the opportunity to find out more about other jobs within their own, or other organisations, and what is

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7   Clutterbuck, D. (2004) *Everyone needs a mentor: fostering talent in your organisation*. 4th ed. London: Chartered Institute of Personnel and Development.

8   CEL (2008) *Succession Planning and Racial Equality in the Further Education Sector.*

9   Clutterbuck, D & Ragins, B, R, op cit.

10   CEL (2008) *Succession Planning and Racial Equality in the Further Education Sector.*

11   Speechly, C, Wheatley, R., (2001) *Developing a culture for Diversity in a week.* Institute of Management.

12   Megginson, D. and Clutterbuck, D. (2009) *Further techniques for coaching and mentoring.* Oxford: Butterworth Heinemann.

required in different roles.

Opportunities for organisations to support younger staff

* Young employees may grow with the organisation and become more skilled and competent to enable the employer to benefit from the investment in their training and development.
* Supporting and developing younger staff may motivate and encourage them to stay with the organisation and contribute to achieving its aims. This means that staff turnover should reduce along with a saving of the cost of replacing them.
* There is value in attracting and retaining young people in a sector workforce to enable the organisations to sustain the level of staff capability as older staff leave or retire.

Targeting younger staff for support in order to achieve a greater proportion of younger staff in the workforce and avoid a succession crisis may be considered a legitimate aim under the Equality Act 2010.

In seeking to redress workforce imbalances, organisations need to be mindful of the difference between positive action and positive discrimination.

The following are seen to attract and retain young people in the workforce[13]:

* Two-way conversations that engage younger staff and managers on business goals and performance are important for increasing levels of trust and gauging job satisfaction. Without this, it may become harder to obtain staff loyalty and in turn retain talented graduates and other young people.
* As the economic situation improves and recruitment activity levels pick up, employers need to consider the strength of their relationship with employees across all levels of the business, or run the risk of staff leaving.
* It is important to ensure that support activities aimed at younger staff increase their motivation in the workplace.[14] Lowering young workers' expectations and ambitions can limit their future productivity and creative potential.
* Work-life balance – in supporting younger workers, be aware that they may be affected by a range of personal characteristics, including their domestic circumstances such as their housing, their parents' experiences of employment and whether or not they have caring responsibilities.

Principles of promoting age equality in the workforce

The following are associated with effective management practices that apply to the workforce in general. They are presented here as key considerations in motivating young people to remain and develop in the organisation as an integral part of a workforce development approach.

* **Provide structure to staff by** setting clear goals and stating explicitly how progress is assessed.[15] Employees can become more motivated and find work more interesting when they know how it fits into the overall work of the organisation; you should define success factors so that individuals know that they are making progress.
* **Communicating workplace standards** by instructing employees at the outset about your organisation's values and policies so that they are aware of standards of performance and behaviours expected of them.
* **Be a mentor.** Offer guidance and support to understand the organisational culture and provide appropriate opportunities to establish and develop new networks.

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13   Cook. J (2007) Motivating Young Employees.
14   Janet Dean Generations X & Y Motivating and Engaging Young Employees. /www.evancarmichael.com
15   Ibid

- **Lead by example** – direct managers and supervisors have an important role in supporting staff new to the organisation, in particular, by modelling the type of behaviours the organisation expects of employees.
- **Beware of assumptions.**[16] Avoid basing support activities on preconceived expectations or stereotypes about any particular age group. For example: assuming that younger people are comfortable and able to use technology and that older people are not.
- **Encourage self-direction** - seek to empower individuals to identify and meet their own training and development needs. This is important when the particular support they require is not readily available or when an initiative/activity needs to be put in place to develop them specifically on an individual basis.

Resource 4: Self assessment

The following 'traffic lights' options are provided to help assess your position regarding this resource topic. In applying this approach:

RED can indicate that you need to develop an understanding of how the age requirements apply to you and your organisation.

AMBER indicates that your level of understanding needs to be developed further.

GREEN indicates that you have a good understanding of the age equality requirements and their application, though improvements are always necessary to keep up with changes.

	Statement	Red	Amber	Green	Evidence / examples and comments
1	Staff are aware of how their role helps the organisation to meet its performance aims.				
2	The organisation has clear expectations and gives precise directions to all staff, about what the organisation expects of them.				
3	Our managers model behaviours that the organisation expects to see in all staff.				
4	Younger staff are made aware that the organisation values their contribution as much as that of other staff.				

	Statement	Red	Amber	Green	Evidence / examples and comments
5	All staff are made aware when they have done a good job and when they need to improve their performance.				
6	Older and younger staff are supported as part of an inclusive approach to workforce development and succession planning.				
7	This is what we are going to do as a result of the self assessment				

Your future development and ongoing support

Now that you have assessed your understanding and confidence at applying your knowledge in relation to age equality, which of the following would be most effective at supporting your continuing development?

1.   ½ day interactive problem solving workshop activities.
2.   On line resources.
3.   Formal direct coaching and mentoring.

Any other ways you may like to suggest?

Please also forward details of related activities and approaches you have tried, what works/does not work and what you've learned to: equalities@lsis.org.uk

Resource Five

Creating an Inclusive Organisational Culture.

Resource Five

Creating an Inclusive Organisational Culture.

Introduction
This resource will introduce the following:

- The principles of an inclusive workplace culture.
- How the equality legislation informs and supports inclusive organisational culture.
- Tools to enable the development of inclusive organisational culture, including use of language.
- The current research on age equality and its implications for the development of an inclusive organisational culture.
- Understanding the relationship between age and other aspects of equality in relation to establishing inclusive organisational culture.

Learning outcomes
After completing this resource you may have a general awareness of:

- Understanding the difference between inclusive and diverse organisations.
- What to do in order to establish an understanding of your current organisational culture.
- What an inclusive organisational culture may look like.
- Tools to use, to assess and help to develop an inclusive organisational culture, including cultural audit and dignity at work surveys.
- The benefits for performance of an inclusive culture.
- How to draw on research and workforce statistics on age equality to inform your approach to establishing an inclusive organisational culture.

The principles of an inclusive organisational culture
This includes the following:

- Shared vision and values within the organisation.
- Dignity at work: behaviour and attitudes in the workplace.
- Responsibility and accountability of individuals and the organisation.
- Managing individual and organisational bias.

These are informed by the following:

- Human rights as embedded in the Human Rights Act 1998.
- Apprenticeships, Skills, Children and Learning Act 2009.
- The Equality Act 2010 - incorporates the nine major pieces of equality legislation.
- Effective management skills which include a capability to work across differences and manage potential conflict.

Consider the following:
1.   The contrasting views of the Human Resource professionals and the Union representatives, found within the recent research on age equality from LSIS:

Union representatives tend to disagree that:
-       there is a positive working environment, free from discrimination, harassment or victimisation.

Whereas Human Resources professionals agreed that:
-       their organisation has a culture of diversity and aiming to provide a positive working environment that is free from discrimination, harassment or victimisation.

What do these alternative perspectives indicate?
Is a 'culture of diversity' solely about monitoring numbers and representation or is it about how 'inclusive' an organisation feels to all those who work and learn there?

2.   Training and development:
-       Older staff tend not to be developed or supported for a future in the organisation.
-       Older staff do not expect the organisation to train and develop them beyond a certain age.

At what age is a person deemed not capable of improving their contribution to organisational performance?

3.   Disability disclosure: inclusive workplaces will support and encourage staff to be comfortable in disclosing their particular needs in relation to existing or onset of disability. This is relevant to multiple discrimination as featured in the Equality Act 2010; in this case to age and disability. The research evidence identifies a need to consider disability in relation to age. Particularly as it applies to older people who are reluctant to inform the organisation of a disability because of their age and the possible implication on the way it is dealt with.[1]

What do organisations need to do to establish an inclusive organisational culture?
1.   Establish a shared vision and values across the organisation. This may be achieved through effective workforce engagement and visible leadership.

2.   Establish an open and transparent communication system on all aspects of the organisation.

3.   Equality of opportunity to personal and career development irrespective of contract status within the organisation – full time, part time, sessional, permanent or temporary staff.

4.   Consider attitudes and behaviours in the workplace, often referred to as 'Dignity at Work' and how they ensure a culture of working relationships in which everyone is treated with dignity and respect, where harassment is known to be unacceptable and individuals have the confidence to deal and challenge harassment or bullying without fear of ridicule or reprisal. This may be done through workforce engagement in policy development including the equality impact assessments, comprehensive inductions, the development of effective grievance procedures, awareness raising, training and development in relation to dignity in the workplace.

5.   Accountability of individuals and the organisation. This will mean that policies in relation to managing behaviours in the workplace are effectively communicated and implemented.
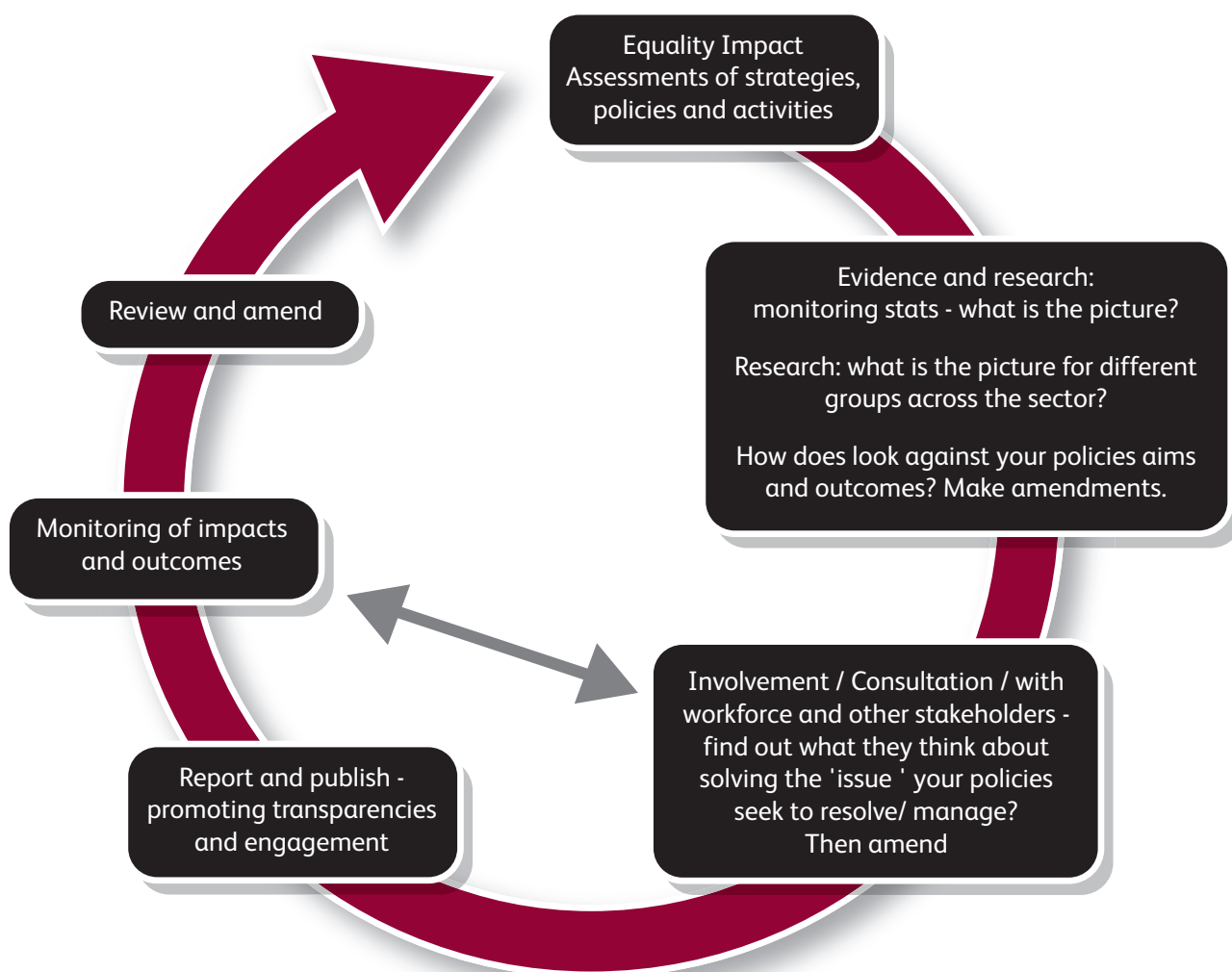
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1   A Review and Analysis of Age Equality Practice in the Further Education Learning and Skills System … a new era of opportunity. LSIS, 2010.

6.   Understanding and managing individual and organisational bias. This will mean identifying trends and patterns of successful recruitment and selection, disciplinaries, access to career development and progression opportunities.

Tools to use

- **Equality impact assessments**

    These are highly effective strategic organisational development tools that will support a cycle of ongoing improvement and performance enhancement. They remain the key means of demonstrating how the organisation identifies areas of current inequalities and the outcomes of their actions to address these. The following is an example of the Equality Impact Assessment (EIA) process:

Equality Impact Assessments of strategies, policies and activities

Evidence and research: monitoring stats - what is the picture?

Research: what is the picture for different groups across the sector?

How does look against your policies aims and outcomes? Make amendments.

Involvement / Consultation / with workforce and other stakeholders - find out what they think about solving the 'issue ' your policies seek to resolve/ manage? Then amend

Report and publish - promoting transparencies and engagement

Monitoring of impacts and outcomes

Review and amend

- **Sector research**

    Be knowledgeable on the trends in the national and local workforce diversity profiles and how these can be used to identify areas of inequality within the organisation, for example: areas of under representation.

    Be aware of the body of research from the sector which highlights on-going patterns of institutional discrimination with reference to the experience and progression of particular groups of staff, for example, the different ways absence is managed in relation to the different age groups in the workforce:

Older staff reported that they often feel discriminated against. They cite occasions such as being told after returning from certificated sick leave, that the period of absence was unacceptable and they would be monitored for three months. "Younger members of staff who had equal or longer periods of sick leave, were not given this warning, nor told they would be monitored."[2]

- **Develop effective communication systems that are accessible to all**
  The more diverse an organisation is, the more attention needs to be paid to how and what information is distributed, in order to facilitate inclusion. This means it is important to think about:

  - Establishing and maintaining contact details for all staff members.
  - How any individual staff member can communicate with the organisation to feedback on anything from news ideas to how things can be improved and what are proving to be real barriers.
  - Different ways people can communicate – so that their preferred method of communication is accommodated. An example may be a member of staff whose first language is British Sign Language (BSL).

- **Cultural audits**
  The most effective methodologies are qualitative and will generally involve interviews and focus group discussions. These are most effective when using independent expertise. The focus groups can be designed, to create a safe space for different groups of staff, for example, gay, lesbian and bisexual, black and minority ethnic and disabled.

  The topics that may be explored are as follows:

  - The composition of the workforce, focusing on gender, age and disability, and religion and sexual orientation, where that information is available. Include consideration of how people from the different groups identified are represented at each job grade.
  - Predominant leisure activities, especially at senior level. For example, do social networks based on 'pub culture' affect recruitment and promotion decisions?
  - In-language and jokes.
  - Office practices, including wall and desk decorations such as photographs, postcards, screen savers and posters.
  - Where, how and why celebration parties take place.
  - Location and catering for training events.

- **Inclusive planning processes that set the organisation's strategy within the context of their agreed vision and values**
  The focus for this is effective staff engagement that creates a shared sense of the aims and outcomes for the organisation, and their contribution to achieving these, over both the short term and medium to long term.

- **Staff surveys**
  These provide a feel for the organisation from policy making to policy implementation, their experience of being managed, access to opportunities and areas of satisfaction, dissatisfaction and create an opportunity to suggest how organisational performance can be improved. Guaranteed anonymity is essential if a genuine picture of the organisation is to be reflected and the results used to monitor trends.

- **Dignity at work policies and training for the organisation**

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3   A Review and Analysis of Age Equality Practice in the Further Education Learning and Skills System …a new era of opportunity. LSIS, 2010.

Dignity at work policies cover such topics as, bullying and harassment, acceptable and unacceptable behaviours. This is not an exhaustive list.

When considering the design and delivery of training on dignity at work, there is a positive impact of offering all staff at all levels, the opportunity to discuss and debate what is acceptable and unacceptable behaviour and attitudes in the work place. A blended learning approach may offer the most effective approach to developing an inclusive organisation.

- **Management training with reference to effective HR practices.**
  This is not an exhaustive list:
  o   Interviewing skills with reference to recruitment and selection.
  o   Effective staff appraisal.
  o   Disciplinary and grievance procedures.
  o   Management of absences, etc.
  o   Equality and diversity.
  o   Supporting staff.
  o   Team working.
  o   Conflict management.
  o   Staff profile monitoring.

Activity
How inclusive is your team/organisation?
Answer the following questions and consider the implications for effective team working:

1.   How is information normally passed between members of your team / staff in your organisation?
2.   What personal information do people feel comfortable displaying on their desk?
3.   How often do you meet informally? Where does this happen? Do all members attend?
4.   What do the results tell you about the culture of your team/organisation?
5.   What are the implications of diversity on the capacity to be inclusive?

Resource 5: Self assessment

The 'traffic lights' options are provided to help you assess your knowledge and understanding. Using this approach:

RED   may indicate that you need to develop an understanding of how the age requirements apply to you and your organisation.

AMBER   may indicate that your level of understanding needs to be developed further.

GREEN   may indicate that you have a good understanding of the age equality requirements and their application, though improvements are always necessary to keep up with changes.

	Statement	Red	Amber	Green	Evidence / examples and comments
1a	This organisation can be described as having a diverse workforce.				
1b	This organisation can be described as having an inclusive culture because …	Evidence / comments			
1c	We have collected the following information: • Equality monitoring data on the workforce. • Anonymous staff survey. • Feedback on what the organisation does well and areas it needs to improve.	Evidence / comments			
1d	We have used the findings and data collected to create a baseline from which to monitor organisation progress, managing diversity and inclusion.				
1e	The organisation tracks progress and maintains momentum to develop an inclusive culture.				
1f	As a result of this self assessment we will now do the following:				

Your future development and ongoing support

Now that you have assessed your understanding and confidence at applying your knowledge in relation to age equality, which of the following would be most effective at supporting your continuing development?

1.   ½ day interactive problem solving workshop activities.
2.   On line resources.
3.   Formal direct coaching and mentoring.

Any other ways you may like to suggest?

Please also forward details of related activities and approaches you have tried, what works/does not work and what you've learned to: equalities@lsis.org.uk