

## AGE DISCRIMINATION CHECKLIST

Age is a protected characteristic under the Equality Act 2010 and it is unlawful for a school/college/employer to subject an employee to discrimination because of their age, unless this can be objectively justified. The NASUWT will always challenge age discrimination.

Information about the Equality Act is available at: <https://www.nasuw.org.uk/advice/equalities/equality-law/equality-law-in-great-britain.html>.

There are two forms of unlawful age discrimination:

- direct discrimination, which is overt discrimination because of a teacher's age, such as denying promotion because a teacher is 'too young' or 'too old';
- indirect discrimination, where a school, local authority or academy trust's work system impacts detrimentally on teachers of a particular age. For example, older teachers could be more likely to be put into capability procedures, or be denied pay progression for which they are eligible, than younger teachers.

### Direct discrimination

Direct age discrimination can be identified from job advertisements and from feedback given after job interviews or when selected for restructuring or redundancy.

### Indirect discrimination

Identifying indirect age discrimination when it occurs can be more difficult than identifying direct discrimination. Frequently, it can only be identified by gathering workforce data and interrogating this to analyse the impact of a school/college, local authority or academy trust's processes on teachers in particular age groups.

Key advice for NASUWT Representatives on monitoring teacher equalities data is available in the following NASUWT 'How to' guides at: <https://www.nasuw.org.uk/advice/equalities/equalities-advice.html>:

- *How to collect and monitor workforce equality data;*
- *How to equality-proof the school pay policy.*

Research by the NASUWT confirms that older teachers face particular issues of discrimination and disadvantage in the workplace, and there is strong evidence that such differential treatment is age-related. NASUWT Representatives should press employers to commit, on an annual basis, to report on their actions to:

- eliminate age discrimination in their employment, career progression and pay practices (e.g. in the allocation of pay awards, pay progression decisions, and capability and disciplinary processes);

- advance equality (including for older teachers, in accordance with the priorities agreed by the NASUWT Annual Conference);
- ensure good relations with teachers on the basis of age-related protected characteristics (for example, this might include reviewing the employer's evidence on grievances and disciplinaries, or recruitment and retention data).

Employers should be asked to provide data/reports in a form that:

- enables analysis of the impact of policies and procedures comparing teachers across all age ranges (e.g. teachers aged below 30; aged 30-39 years; aged 40-49 years; aged 50-59 years; aged 60+);
- enables analysis of the age-related impact of policies and procedures for women and teachers with other protected characteristics (e.g. black and minority ethnic (BME) groups; disabled groups; lesbian, gay, bisexual, trans and intersex (LGBTI) groups);
- does not breach the data privacy rights of individual employees.

Employers should be asked to discuss the reasons for any disparities and to discuss and agree with the NASUWT a strategy to address any disparities.