





MidKent College Human Resources Policy

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Union Approver	Yes	SG – Union Secretary		23/03/23
GB Sub Committee	No			
Full GB Committee	No			

Policy Cross References - This policy should be read in conjunction with any other associated policies, with particular reference to	
Policy Name	Policy Number
Disciplinary Policy	--

Document Revision History		
Version Number	Date	Summary of Revision
V1.2023		New section 11 Conflict of Interest - Exams

1. Introduction

- 1.1. MidKent College recognises the importance of preserving the integrity of professional relationships between members of staff as well as with students, consultants, contractors, agency staff and/ or suppliers. Whilst most social and personal relationships need not present a difficulty, and can be entirely beneficial in that they promote good working relationships, it is recognised that there will be particular circumstances where the staff member(s) concerned will need to withdraw from certain decisions or from undertaking certain roles, in order to protect themselves and the College from any possible criticism of unfair bias.
- 1.2. The College recognises that employees who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the College to ensure that all employees behave in an appropriate and professional manner at work.
- 1.3. Whilst not all such situations raise issues of conflict of interest, this is not always the case. The implications of close personal relationships at work can include:
 - Effect on the trust and confidence of colleagues in relation to a conflict of interest, fair treatment, their own ability to discuss issues openly within a team or with their line manager;
 - Perception of suppliers, contractors, clients or the general public in relation to the professionalism and fairness of the College and its employees;
 - Operational issues affecting the ability to deliver the service effectively;
 - Conflicting loyalties and breach of confidentiality.
- 1.4. These provisions are intended to avoid any possible conflict of interest or accusation of bias, favouritism or prejudice. They are also intended to ensure that all employees feel confident of fair treatment without the fear that a close personal relationship will influence their or other employee's treatment or broader working relationships.

2. Scope and Aim of Policy

- 2.1. This policy applies to all employees, contractors, agency staff and consultants including Executive Group members and College Senior Managers.
- 2.2. The purpose of this policy is to provide guidance to all employees in dealing sensitively, but effectively, with situations where employees have, or form a close personal relationship with someone with whom they work, in order to avoid any actual or potential conflicts of interest or misuse of authority.
- 2.3. The College values the diversity of its people and is committed to promoting equal opportunities and eliminating discrimination. Therefore staff will apply and operate this policy fairly and in doing so ensure that there is no discrimination on the grounds of gender, race, disability, age, religious or political belief, sexual orientation, trade union membership/activity or marital status.

3. Personal Relationships

- 3.1. Close personal relationships within this policy are defined as:
- Employees who are married, dating or in a partnership or co-habiting arrangement;
 - Immediate family members of an applicant, including enrolled students or current employees e.g. parents, step parents, legal guardians, children, siblings, grandparent/ grandchild etc.;
 - Other relations of the applicant or employee including enrolled students or employees e.g. extended family such as aunts/ uncles/ cousins/ nieces/ nephews and any other individuals with whom there is a close personal relationship e.g. close friendships, business associates (outside the company) etc.
- 3.2. Staff who are uncertain about whether there is likely to be any risk of a potential conflict of interest emerging from a personal relationship at work, should discuss the matter with their line manager or Director in the first instance. Advice can also be obtained from the employee's Human Resources Business Partner.

4. Recruitment and Appointment of Employees

- 4.1. The recruitment, selection, and promotion of staff should be based solely on evidence and not be in any way affected by personal relationships at work. During the recruitment process all applicants and employees are required to disclose if they are a relative or partner of, or have a close personal relationship with any employee and/ or Executive Group / Director / Senior Manager. Failure to disclose such a relationship may disqualify the applicant from the recruitment process. Any applicant that seeks the support of a manager or director for any appointment will also be disqualified.
- 4.2. For the avoidance of any doubt, new appointments should not be considered where a close personal relationship exists between the applicant and manager of the department. (See flowchart 1)
- 4.3. Where the applicant, if appointed, would work in the same team or office with an employee with whom they have a close personal relationship, but not line management relationship, the implications of this should be considered and discussed as part of the selection process. This is to ensure that, assuming they are otherwise the most suitable candidate for the job, the appointment would also be appropriate taking into account operational issues and standards. Such issues could include working patterns, annual leave requirements, any potential conflict of interest and confidentiality issues.
- 4.4. To avoid the accusation of any bias, an employee or Executive Group/ Director/ Senior Manager must not be involved in any appointment process where they are related, or have a close personal relationship outside work with the individual being considered for appointment.

5. Other employment decisions

- 5.1. To avoid any accusation of bias, employees must not be involved in any decision where they are a relative or partner of, or have a close personal relationship with, the individual under consideration for decisions relating to any approval of annual leave, TOIL, working from home, discipline, redundancy, absence management, performance review, promotion or pay adjustments or any other decision affecting the employment contract of the individual concerned.

6. Relationships Formed whilst in Post

- 6.1. Close personal relationships may form between colleagues during the course of their employment. Such situations should be managed with care and sensitivity in the interests of all concerned. It is important, however, to ensure that any approach or actions are not unfair or discriminatory i.e. avoiding any assumption at the outset that the working arrangement will be unsatisfactory without exploring the issues. Nevertheless it is important to explore, in discussion with the employees concerned, the issues that may arise to ensure these can be managed effectively. Staff should approach their line manager in confidence should a relationship develop that may potentially contravene the principles of this policy
- 6.2. Where a close personal relationship is formed between members of staff whilst in post, this should be disclosed, in confidence, to the Director of People, where appropriate by the employees concerned. This disclosure should be recorded on the employee's personal file. If required the Director of People will advise the Executive Group of any such relationships. Failure to disclose a personal relationship could leave an employee open to allegations of misconduct should subsequent issues arise.
- 6.3. Where a close personal relationship involves the direct line manager or Director, the appropriate Executive Director or the Director of People, (in consultation with Human Resources if needed), should in discussion with both employees:
 - Make alternative supervision/ line management arrangements for the team member for issues involving a potential conflict of interest. These include, but are not exclusive to, matters related to pay, performance, promotion, job opportunity and discipline issues. This will normally mean a change to this aspect of the line management arrangement whereby the team member is supervised by another manager, but management of work related functions remains unaltered;
 - Consider whether the employee or manager could be transferred to another area of the business to avoid any conflict arising.
- 6.4. Where a close personal relationship is between two team members, with no line management or supervisory relationship, then the relevant issues should be explored with the individuals concerned, including general operational

issues relating to working patterns, other working arrangements, annual leave requirements, potential conflict of interest and confidentiality issues including the perceptions and employee relations within the team.

- 6.5. Any employee who is involved in a close personal relationship with a colleague, contractor, client, member of agency staff, customer or supplier must not allow that relationship to influence their conduct while at work. Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This rule applies during all working time, whether at the normal workplace, on external visits or anywhere where the employees concerned are acting as representatives of the College. Any breach of this rule will be regarded as a serious disciplinary offence and may possibly be considered as gross misconduct leading to disciplinary action up to and including dismissal.
- 6.6. There may be occasions when a close personal relationship breaks down and the individuals concerned remain in the same team or office with a potential impact on team relationships and service delivery. If it is envisaged that the breakdown of the relationship is or will cause ongoing workplace issues, these should be addressed sensitively in discussion with the employees with a view to the issues being resolved, where possible. Human Resources can assist with this process where required. This may, ultimately, in some cases need to involve exploring the scope for the transfer of one or both employees to another department or a different campus.

7. Other Colleagues Affected by a Close Personal Relationship

- 7.1. Employees who feel they are affected by a close personal relationship at work involving other colleagues, should at all times feel that they can approach without prejudice, their line manager/ Director or Senior Manager and/or Human Resources to explain their concerns.

8. Relationships with Clients, Consultants or Contractors

- 8.1. No special favour should be shown in the tendering process to any external business run by, for example, friends, partners or relatives. Employees who engage or supervise clients and/ or consultants/ contractors or have any other work relationship with these parties and have previously had or currently have a close personal relationship with someone who works for them, must declare that relationship to the line manager/ Director, Senior Manager or Director of People.

9. Relationships with Students

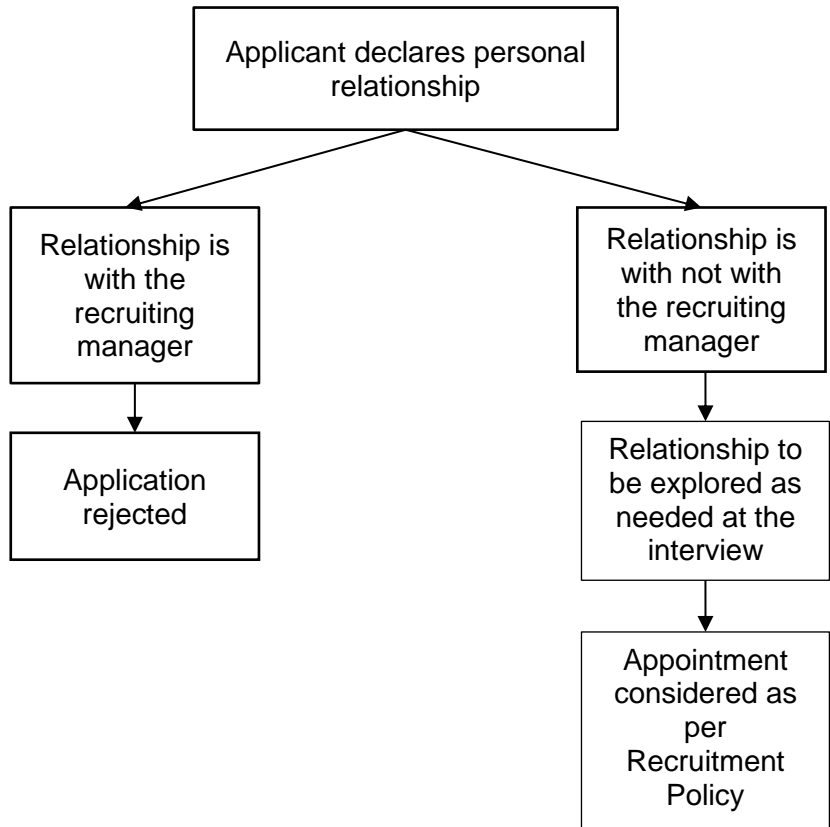
- 9.1. The College regards it as the unquestionable responsibility of staff to recognise the professional and ethical responsibilities inherent in the staff/ student relationship. As such staff should only engage in professional working relationships with students, adhering at all times to College Safeguarding and Data Protection Policies. Any breach in professional working relationships will

be dealt with in accordance with the College Disciplinary Policy and may result in any disciplinary action up to and including dismissal.

- 9.2. The College acknowledges that employees may have a son/ daughter/ step son / step daughter or be a legal guardian of a student studying at the College. All employees should take care not to confuse their role at the College with their parental role. If any issues arise, employees should raise them in the normal way as if they were a parent external to the College. Employees should at all times retain a professional working relationship with other staff who are in any way involved with the student's Study Programme.
- 9.3. Staff who have a personal relationship with a student as per section 3.1, should report this to HR to be recorded on their personnel file.
- 9.4. Where staff have a personal relationship with a student they are not permitted to access the student's record or information unless absolutely necessary for their job role. Where possible, alternative arrangements should be made so that another colleague undertakes the task. If access is absolutely necessary another colleague should be present at the time of access. Any breach of this rule will be regarded as a serious disciplinary offence and may possibly be considered as gross misconduct leading to disciplinary action up to and including dismissal.
- 9.5. Where an employee has parental responsibility for a student but it is not listed on the Management Information System the College will consider that as not having parental responsibility until notified otherwise by the student or registered parental contact. Employees who use their access to view their child's record will be considered to be in breach of this policy. Any breach of this rule will be regarded as a serious disciplinary offence and may possibly be considered as gross misconduct leading to disciplinary action up to and including dismissal.

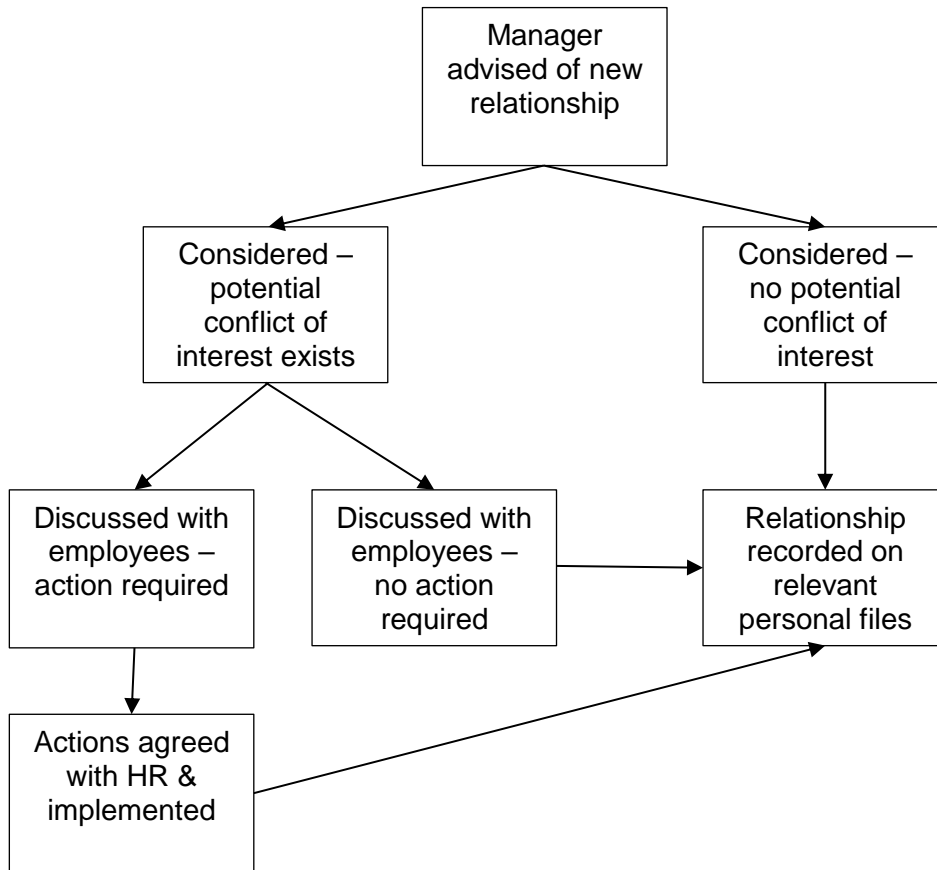
10. Recruitment Procedure / Conflict of Interest flow charts

Recruitment Procedure – Personal Relationship Declared (Flowchart 1)



See section 4 - Recruitment and Appointment of Employees

Establishing a conflict of interest (Flowchart 2)



- In establishing whether there is a potential conflict of interest, managers may wish to consider the following:
- Are any staff likely to be made uncomfortable in their dealings with either of the two staff members because of the existence of a known personal relationship?
- Is a personal relationship seen to offer advantage to an employee and disadvantage to another by them feeling excluded from the relationship?
- Is the relationship potentially interfering with the professional conduct of College business?
- Is the relationship potentially having a negative effect on the workings of a team?

Where there is evidence that a conflict of interest, breach of confidentiality or unfair advantage may occur as a result of employees with a personal relationship working within the same area, the line manager to whom the personal relationship has been disclosed should discuss the issue with the Director of People. They may wish to consider an alternative arrangement e.g. a change in reporting arrangements, or duties within a team; investigating one party being moved to another area of work or work location, if appropriate in the circumstances. They should consider all such matters in confidence and consult the staff involved and the HR Department in determining their decision. In all instances any changes should be of equal status.

11. Conflicts of Interest – Exams

- 11.1. The College must manage potential conflicts of interest in respect of exams being undertaken at the College. Awarding body requirements oblige the College to manage conflicts of interest by informing the relevant awarding body, before the published deadline for entries for each examination series of:
- Any members of staff who are taking qualifications at the College, which include internally assessed components / units.
 - Any members of staff who are teaching and preparing members of their family (as defined in section 3 above) or close friends and their immediate family for qualifications which include internally assessed components/ units.
- 11.2. In addition the College is required to maintain and update clear and accurate records of all instances where:
- Exams staff have members of their family (as defined in section 3 above) or close friends and their immediate family being entered for examinations and assessments either at the College or other assessment centres.
 - Staff are taking exams at the College which **do not** include internally assessed components or units.
 - Staff are taking qualifications at other examination centres.
- 11.3. The senior manager responsible for the College Exams Department will ensure that entering members of staff for qualifications at the College **must** be as a last resort, in cases where the member of staff is unable to find another examination centre.
- 11.4. In addition the manager is responsible for ensuring that proper protocols are in place to prevent the member of staff having access to exam materials prior to the examination and that other staff are briefed on maintaining the integrity and confidentiality of the examination materials.
- 11.5. The manager **must** ensure that during the examination series the member of staff is treated in the same way as any other candidate entered for that examination, does not have access to examination materials and does not receive any preferential treatment.
- 11.6. Staff must ensure that they report any such relationships or any of the above occurrences to the Exams Department as soon as possible.

12. Duties and Responsibilities

12.1. Employees

Staff should declare to their line manager or Director / Senior Manager or Director of People any existing or new personal relationship they have with other members of staff, consultants, contractors or suppliers which may give rise to an actual or potential conflict of interest, trust or breach of confidentiality. The line manager or Director will treat these matters in confidence and in consultation with the member(s) of staff, find ways in which potential conflicts of interest can be avoided.

- 12.2. All such relationships should be recorded on the relevant personal file(s)
- 12.3. Staff should conduct themselves at all times in ways that are consistent with their role and duties, and the requirements of this and other College Policies.
- 12.4. Where new personal relationships occur between members of staff or between members of staff and contractors, consultants or suppliers, it is the responsibility of both individuals to avoid any actual or potential conflicts of interest.
- 12.5. Any future changes in personal relationships between employees must be reported to the relevant line manager or Director/ Senior Manager or Director of People as they occur, and the change in circumstances should be recorded on the relevant personal file(s).
- 12.6. **Line Managers/ Directors/ Senior Managers**
Staff who declare a personal relationship at work, should be treated fairly and with due regard to equality of treatment issues.
- 12.7. The line manager and/ or director will treat these matters in confidence and in consultation with the member(s) of staff, find ways in which potential conflicts of interest can be avoided.
- 12.8. Where either a personal relationship as defined above, or failure to comply with this policy, following initial investigation, results in a conflict of interest or an unfair advantage or disadvantage to either of the parties to the relationship the matter will be considered seriously by the College. This includes full investigation of the above in accordance with the Disciplinary procedures.
- 12.9. Human Resources must be notified of any new relationships and / or conflicts of interest or breaches of this policy.
- 12.10. **Human Resources / Director of People**
Human Resources will treat all such declarations in confidence.
- 12.11. Declarations should be recorded in writing and placed on the relevant employees electronic Personal File.
- 12.12. Human Resources will support line managers and Directors/ Senior Managers with the application of this policy and other associated policies as required.
- 12.13. Where necessary the Director of People will inform the Executive Group of any disclosed personal relationship.

13. GDPR

- 13.1. All records associated with this policy will be retained and disposed of in accordance with the HR Retention policy.

14. Policy monitoring, Review and Evaluation

- 14.1. A review of this policy will be undertaken by the review date by the policy writer and the Senior Manager responsible. The policy will then be presented to the Executive Group and, where required, the Governing Body for approval.

15. Equality Impact Assessment

- 15.1. This policy has been Equality Impact Assessed and generates no concerns about differential impact. The Equality Impact Assessment is filed on the HR SharePoint site.

16. Policy Distribution

- 16.1. A current version of this document is available via SharePoint. It does not contain confidential information and can be released to external parties SharePoint site.


The Personal Relationships Policy, version 1.0 2023 has been consulted and negotiated with UCU representatives and its members on the understanding that the content will be subject to review no later than March 2026.

For and on behalf of UCU:

Signed: 

Name: Sukh Gill


Date: 23/03/2023

Signed: 

Name: Jey Odumade

Date: 23/03/2023

For and on behalf of MidKent College:

Signed: 

Name: Wade Herring

Date: 23/03/2023