



## MidKent College Human Resources Policy

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GB Sub Committee	Yes/No			
Full GB Committee	Yes/No			

<b>Policy Cross References - This policy should be read in conjunction with any other associated policies, with particular reference to</b>	
<b>Policy Name</b>	<b>Policy Number</b>
Disciplinary Policy	MKC-HR-DP-2023-2026
Grievance Policy	MKC-HR-GP-2024-2027
Harassment & Bullying Policy	MKC-HR-HP-2024-2027
Safer Recruitment & Selection Policy	MKC-HR-SR&SP-2023-2026

<b>Document Revision History</b>		
<b>Version Number</b>	<b>Date</b>	<b>Summary of Revision</b>
V1.0 2024	March 2024	General review and update of terminology and job titles

## **1. Introduction**

- 1.1. This policy covers all aspects of how you are treated by MidKent College, and everybody employed by MidKent College. It covers, but isn't limited, to:
- Recruitment.
  - Pay and conditions of employment.
  - Training and continuing professional development.
  - Promotion.
  - Appraisals.
  - Grievances and disciplinary matters.
  - Ending employment.
  - Giving references.
  - How visitors are treated.
  - How clients and suppliers are treated.
  - How any other business contacts and associates are treated.

## **2. Scope and Aim of Policy**

- 2.1. This policy applies to all employees, apprentices, consultants, contractors, interns, volunteers, job applicants, agency and casual workers.
- 2.2. If you are an employee, this policy does not form part of your contract of employment, and we may amend it at any time.
- 2.3. You should read this policy in conjunction with our other policies, including Harassment and Bullying, Safer Recruitment & Selection, and our Grievance Policy.

## **3. Our Equal Opportunities Commitment and Aims**

- 3.1. We will not tolerate discrimination or harassment and are committed to promoting equal opportunities in employment. Those who work for us, and anyone applying for a job with us, will receive fair and equal treatment.
- 3.2. We ensure, where possible, full access for everyone applying for a vacancy. Decisions about transfers and internal promotions are made, so far as possible, using only objective criteria.
- 3.3. We will never victimise anyone who makes a legitimate complaint to us about harassment or discrimination, or who supports a colleague in their complaint.
- 3.4. This policy is underpinned by the following commitments and aims:
- A working environment free from all forms of unlawful discrimination, including victimisation and harassment.
  - A workplace capable of allowing everyone to achieve their greatest potential, and where individuals are willing to give their best.
  - A Company-wide understanding of the message promoted by this policy.
  - A commitment to ensuring all staff understand their rights and

responsibilities under this policy — if you are not sure what we consider acceptable and unacceptable, you should check with your manager or your HR Business Partner.

- A policy of ensuring employment opportunities are open to all qualified candidates, so that we recruit from the largest possible pool of available talent and recruit the best-qualified staff.
- A commitment to recruiting based on ability to do the job, that also reflects the multicultural composition of our local community.
- A commitment to amending this policy if the College believes that the policy has become outdated, or circumstances suggest that it needs updating.
- A commitment to protecting staff, wherever possible, from being victimised or treated less fairly if they make or support a complaint in good faith under this policy.

#### 4. How the law defines discrimination

4.1. The following list gives you a general description of the types of acts that may both breach this policy and be unlawful. Sometimes actions can be intentional, and sometimes unintentional. We include examples of both types in this list:

- **Direct discrimination:** this is when somebody is treated less favourably because of a protected characteristic than somebody else has been, or would have been, in identical circumstances.  
*Examples:* rejecting a job applicant because of their race or refusing to promote someone because they are pregnant.
- **Indirect discrimination:** this is when a group of people with one of the protected characteristics, subject to a couple of exceptions, is put at a disadvantage by a provision, criterion or practice applied to all staff unless the treatment is justified for a good business reason.  
*Examples:* refusing a request to work part-time without a good business reason, which indirectly discriminates against women, who are more likely to have childcare responsibilities; insisting all staff work Saturdays without a good business reason, which indirectly discriminates against Jewish employees, who may not be able to work on the Jewish Sabbath.
- **Associative discrimination:** this is where somebody is treated less favourably because of the personal characteristics of somebody else.  
*Example:* treating an employee less favourably because their parents are Jehovah's Witnesses.
- **Perceived discrimination:** this occurs where someone is treated less favourably because someone wrongly believes they have a particular protected characteristic.  
*Example:* treating an employee less favourably because someone thinks he is gay, when in fact he isn't gay.
- **Harassment:** this is when a hostile, humiliating, degrading, intimidating or similarly offensive environment is created in relation to a protected

characteristic. It is also considered to be harassment for a worker to be subjected to uninvited conduct related to a protected characteristic that — as an intended or unintended consequence — violates their dignity.

*Examples:* name calling, lewd comments, excluding colleagues, making insensitive jokes, and displaying pornographic material are all examples of harassment. We deal in detail with this under our separate policy on Harassment and Bullying.

- **Victimisation:** in a legal context, ‘victimisation’ has a much more restricted meaning than in real life. It happens when a worker has complained about harassment or discrimination, or has supported a colleague in their complaint, and is then treated less favourably as a result.

*Examples:* an employee who is deliberately excluded because they spoke up on behalf of one of their colleagues in a harassment investigation, or an employee who is dismissed under a pretext because they have complained of discrimination.

4.2. The ‘protected characteristics’ are:

- Age.
- Race (which includes colour and ethnic/ national origin).
- Disability.
- Religion or Belief.
- Sex.
- Gender reassignment.
- Pregnancy or maternity.
- Sexual orientation.
- Marital or civil partnership status.

4.3. There are other actions which can be unlawful under equal opportunities legislation. Examples include:

- Failure to make reasonable adjustments to minimise certain disadvantages suffered by a disabled employee or job applicant.
- Instructing another person or applying pressure on them to discriminate.
- Knowingly assisting somebody else when they carry out a discriminatory act.
- Discriminating against somebody believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.

## 5. How the College Carries Out Its Responsibilities and Duties

5.1. Management and the wider workforce are essential to ensuring the success of this policy. We all have a legal responsibility to comply with it, and any of us — however senior or junior we are — may be personally liable for unlawful discrimination if we breach its terms,

5.2. Overall responsibility for the effective implementation and operation of the policy lies with management, specifically with the College Executive Group. Everyone working at managerial level is expected to act in full accordance with

this policy, lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.

- 5.3. The ethos and standards covered by this policy can only be achieved and maintained if everyone in our workforce cooperates fully. It is important to understand that you have a legal responsibility to comply. If you breach this policy, you may also make the College liable for your actions and we may both have to pay compensation to anyone who claims against us. We expect you to take personal responsibility for adhering to this policy's aims and commitments and for drawing any actual or potential breaches to our attention.
- 5.4. We also encourage everyone who works for us to help promote equal opportunities across the College. Please contact your manager or your designated HR Business Partner if you have any ideas about how we could do this better, or you would like to be more involved in achieving this policy's aims.

## **6. How we Recruit, Promote, and Make Other Selections**

- 6.1. We carry out all recruitment, promotion and other types of selection procedures, such as redundancy selection processes, on the basis of merit, using non-discriminatory and as far as possible, objective criteria. Please refer to the College Safer Recruitment & Selection Policy.
- 6.2. Advertisements for vacancies must not include wording that may discourage some groups of people from applying, or stereotype in any way, and they must be placed where they can reach as wide and diverse a pool of potential candidates as possible.
- 6.3. Nobody applying for a job with the College may be asked about their health, attendance record, or whether they have a disability, before a job offer is made - except in very limited situations. It may, for example, be justifiable to ask whether the applicant needs any disability-related measures put in place for the interview, or to check that they are capable of carrying out a key part of the job. It is acceptable to make some job offers dependent on a medical examination.
- 6.4. It is unlawful to ask job applicants anything that might suggest an intention to discriminate on the grounds of a protected characteristic. Asking an applicant about their religion when they are applying for a job that involves weekend working would not, for example, be allowed. Nor would asking an applicant whether they have childcare responsibilities be allowed, as that suggests you might be intending to indirectly discriminate on grounds of sex or marital status.
- 6.5. It is fine to include certain health or disability questions in equal opportunities monitoring exercises, but the data gathered must not be used for selecting someone for a role, or in making other employment-related decisions.

## **7. How We Enforce This Policy and Handle Breaches**

- 7.1. We will investigate any complaint or allegation you raise regarding a potential breach of this policy. If you believe you have been harassed or discriminated against you should contact your manager or your designated HR Business Partner as soon as possible. If you want to take formal action, you will need to follow our grievance procedure (see our Grievance Policy) and read our policy on Harassment and Bullying.
- 7.2. You will face disciplinary action if we find you have harassed or discriminated against anyone else in breach of this policy. Sometimes this type of behaviour may amount to gross misconduct, in which case you may be dismissed without notice.
- 7.3. Occasionally, people make complaints knowing they are not true. They might do this to avoid or deflect disciplinary action. We view any complaint made in bad faith as an act of misconduct and this will normally lead to disciplinary action. In some cases, bad faith complaints may lead to summary dismissal for gross misconduct.

## **8. How We Monitor Whether this Policy is Working**

- 8.1. We may record and analyse information about equal opportunities within the workplace, and when you join the College you give us consent to gather and process this data about you. We use the information to make sure this policy is working properly and to refine it where that's needed. We also use the information to review the composition of our workforce, and to promote workplace equality.

## **9. Duties and Responsibilities**

- 9.1. All staff are responsible for following and complying with this policy.

## **10. GDPR**

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

## **11. Policy monitoring, Review and Evaluation**

- 11.1. 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.

## **12. Equality Impact Assessment**


- 12.1. 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.

## **13. Policy Distribution**

- 13.1. 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 Equal Opportunities Policy, version 1.0 2024 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 2027.

**For and on behalf of UCU:**

Signed: 

Name: Sukh Gill

Date: 04/03/2024

Signed: 

Name: Josef Higson

Date: 04/03/2024

**For and on behalf of MidKent College:**

Signed: 

Name: Julia Thompson

Date: 04/03/2024