

Equality and Diversity Policy

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Person Responsible	Deputy Principal Finance and Resources
Approval/ review bodies	Equal Opportunities and Diversity Committee/SLT /Corporate Board
Frequency of Review*	36 months

**Policies will be reviewed more frequently if legal changes or good practice require*

Review History:		
Date of review	Reviewed by	Reason for review
September 2013	HR Manager	Replaces Student and Staff Equality and Diversity Policies
September 2016	HR Manager	Tri-annual review and good practice update
January 2019	HR Manager	Tri-annual review and good practice update

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Related policies/documents:

Student Anti-Bullying Policy;

Family Friendly Policy;

Student Disciplinary Procedure;

Staff Disciplinary Procedure;

Staff Grievance Policy or Student Complaints Procedure;

Dignity at Work Policy;

Academic Misconduct Policy;

Annual and Special Leave Policy;

Additional Learning Support Policy; and

Prevent Policy.

1. Policy Statement

North Kent College (“the College”) is committed to equality of opportunity and to diversity in everything it does. The College embraces diversity and will seek to promote the benefits of diversity in all its activities and will seek to develop a culture that reflects that belief.

The College will seek to widen the media through which it recruits to ensure a diverse candidate base. The College acknowledges its public sector equality duty (in the field of further and higher education) in:

- eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
- advancing equality of opportunity between people who share a Protected Characteristic and people who do not share it; and
- foster good relations between people who share a Protected Characteristic and those who do not share that Protected Characteristic.

The College will take positive steps to ensure that all current and prospective employees are not discriminated against, on the grounds of gender, gender reassignment, age, disability, marital or civil partner status, sexual orientation, pregnancy or maternity, religion or belief, race, ethnic or national origin and social background (the “Protected Characteristics”). The College values the differences, needs and contributions a diverse workforce and customer base represents.

The College will continue to place an obligation upon all its staff to respect and act in accordance with this Equality and Diversity Policy. The College is committed to providing equality and diversity training for all its staff.

The College continue to extend this positive attitude in respect of equality and diversity to its contractors, students and the community in which the College conducts its activities.

The College will be an equality and diversity champion and leader in:

- 1.1 promoting equality and diversity;
- 1.2 challenging and eradicating discrimination; and
- 1.3 providing responsive and accessible services.

The College is committed to the principle and practice of equal opportunities and celebrates the diversity of people. The College understands that these two concepts are not the same but are complementary. Without recognising and, most importantly, valuing differences between people, there cannot be true equality of opportunity. Moreover, the College promotes individual life-enhancing opportunities that respect all people and will continue to do so.

This document sets out the Equality and Diversity Policy of the College. It explains why equality and diversity are important to it, the basic principles it will follow and how it intends to monitor and achieve its progress.

2. Application and Scope

The College believes that equality is a basic human right and actively opposes all forms of unlawful discrimination. It values and celebrates the diversity in society and is striving to promote and reflect that diversity within the College.

This Equality and Diversity Policy sets out how the College will meet and, in some cases, exceed the legal requirements prescribed in the Equality Act 2010 (“the Act”).

The categories of people covered by this Equality and Diversity Policy are:

- 2.1 prospective students and staff (in relation to admissions and recruitment arrangements);
- 2.2 current students and staff (in relation to pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures and termination of employment);
- 2.3 former students and staff (if there is a continuing relationship based on them having been a student or member of staff at the College); and
- 2.4 visitors, contractors and service providers (while they are on College premises or carrying out College business).

All job applicants, staff and students will be informed of the College’s commitment to equality and valuing diversity and this policy will be available on the College website or made available on request.

This policy will complement the institution’s published Prevent Policy and its responsibility under the Counter-Terrorism and Security Act 2015 to have “due regard to the need to prevent people from being drawn into terrorism”.

This Equality and Diversity Policy does not form part of any of the College's employee's contract of employment. The College reserves the right to amend this Equality and Diversity Policy at any time.

3. Definitions

You must not unlawfully discriminate against other people including current and former employees, job applicants, contractors, present or former students or visitors. This applies within the College, externally and on any work-related trips or events, including social events.

The following forms of discrimination are prohibited under this Equality and Diversity Policy and are unlawful:

3.1. Direct discrimination

Treating someone less favourably because of a Protected Characteristic than someone who does not have the same Protected Characteristic.

3.2. Indirect discrimination

A provision, criteria or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others who do not have that Protected Characteristic and is not justified as a proportionate means of achieving a legitimate aim.

3.3. Harassment

This includes sexual harassment and other unwanted conduct related to a Protected Characteristic which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

3.4. Victimisation

This includes retaliation or other detrimental treatment against someone who has complained or supported another member of staff or student's complaint about discrimination or harassment.

3.5. Disability discrimination

This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of the individual's disability (or something arising in consequence of that disability) and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

4. **Responsibilities**

It is the responsibility of every student, member of staff, contractor and visitor of the College to make sure they do not unlawfully discriminate in any way.

The Deputy Principal Finance and Resources has overall responsibility for the effective operation of this Equality and Diversity Policy. However, all College staff and students have a duty to observe and act in accordance with this Equality and Diversity Policy and the requirements of the Equality Act 2010. Below, the College has set out some of the minimum responsibilities expected of various groups/individuals:

4.1. Governors

The College's Governors are responsible for:

- 4.1.1 ensuring the College meets all its duties under the relevant legislation (including but not limited to the Equality Act 2010); and
- 4.1.2 receiving and approving monitoring reports on the policy through the Equality and Diversity Annual Report.

4.2. The Principal

The Principal is responsible for:

- 4.2.1 giving a consistent and high-profile lead on all equality issues;
- 4.2.2 promoting the Equality and Diversity Policy both internally and externally; and
- 4.2.3 making sure the Equality and Diversity Policy and its procedures are followed.

4.3. The College Senior Leadership Team

The College Senior Leadership Team (“SLT”) is responsible for:

- 4.3.1 putting the Equality and Diversity Policy into practice;
- 4.3.2 making sure all the staff know their responsibilities and receive support and training to carry these out;
- 4.3.3 taking action against staff or students who discriminate (directly, indirectly or because of an individual’s disability), harass or victimise others; and
- 4.3.4 building equality into their own area of work and consider setting equality targets where appropriate.

4.4. The Equality and Diversity Committee

The Equality and Diversity Committee is responsible for:

- 4.4.1 providing an overarching promotion and review body, operating at a strategic level, to cover both equality and diversity in relation to staff and students
- 4.4.2 the implementation and monitoring of this Equality and Diversity Policy;
- 4.4.3 implementing and monitoring the agreed actions, including review and analysis of staff and student data, to support the achievement of the College’s Equality Objectives; and
- 4.4.4 ensuring that other organisations working on behalf of the College adhere to the requirements of the Equality Act 2010.

4.5. All staff

All members of staff are responsible for:

- 4.5.1 advancing equality of opportunity;
- 4.5.2 operating within this policy at all times;
- 4.5.3 challenging inappropriate language and behaviours; and
- 4.5.4 completing mandatory equality and diversity training.

4.6. Teaching Staff

Teaching staff are responsible for:

- 4.6.1 promoting equality and diversity through their teaching programmes and through relations with students, staff and the wider community;
- 4.6.2 ensuring that the curriculum covers the knowledge, skills and values which students need to tackle discrimination when they meet it and help them to understand and value diversity; and
- 4.6.3 ensuring that course materials are accessible to a range of students and adjusted to meet specific needs.

4.7. Students

Students are responsible for:

- 4.7.1 following the Equality and Diversity Policy at all times; and
- 4.7.2 behaving in a manner that advances equality of opportunity and does not discriminate, unlawfully, on the basis of a Protected Characteristic(s).

4.8. Contractors and Service Providers

All contractors and service providers are responsible for:

- 4.8.1 adhering to the Equality Act 2010 and any equality conditions in contracts and/or agreements.

5. The Use of Equality Impact Assessments

The College has developed a toolkit to carry out equality impact assessments, which has a two-stage process:

- 5.1 an initial screening to assess whether the proposed policy, procedure, plan or practice has potential equality implications for different groups; and
- 5.2 if necessary, a full assessment is undertaken, with detailed evidence analysis, stakeholder engagement and consideration of alternative approaches.

All College policies and procedures are scheduled for review, on a cyclical basis either annually, bi-annually or tri-annually. At each review or change the impact assessment process is repeated to consider the potential impact of the policy for individuals or groups based on the Protected Characteristics, and that issues are identified and addressed in a timely manner.

6. Marketing, Publicity and External Liaison

The College researches the needs of prospective students in our local schools and wider community and attempts to respond to those needs in terms of course provision and support.

The College publicity and learner recruitment process is designed to encourage applications from all sections of the community. The College will make publicity and marketing information available in a range of accessible formats for current and prospective students. All publicity and information will take into account equal opportunities for staff and students. Publicity materials will offer guidance on how to apply for financial assistance.

College publicity will aim to reflect this Equality and Diversity Policy and advance equality of opportunity and not discriminate, unlawfully, on the grounds of an individual's Protected Characteristic(s).

7. Access and Environment

College staff will ensure advice is available to prospective and existing students, without bias, on transport, courses, grants, benefits and careers.

Prospective students of the College will be advised of their eligibility for additional learning support. This support will be provided to students and "reasonable adjustments" will be made where appropriate to enable them to be successful in their studies.

The College is committed to developing its facilities and accommodation to improve access for learners and staff with disabilities. All signs, regulations, communications and instructions will be as clear, as simple as possible and free from discriminatory language.

The College will take into account the diverse needs of its community in its planning and will seek to provide a range of levels of courses and resources and varied modes of delivery to meet the needs of its community.

The College will allocate resources to reflect its commitment to managing equality and diversity.

8. Curriculum, Teaching and Learning

Guidance, assessment, support, assistance and counselling will be available to all students to promote their opportunity to follow courses of their choice.

The College will endeavour to offer opportunities to all students to study at a level appropriate to them.

The College will endeavour to ensure all teaching and curriculum materials will advance equality of opportunity and not discriminate, unlawfully, on the grounds of an individual's Protected Characteristic(s) by:

- 8.1 ensuring materials are free from bias or stereotypical assumptions or images; and
- 8.2 promoting and celebrating differences.

The College will endeavour to maximise progression opportunities including the accreditation of prior learning and experience.

The College embraces widening participation, enabling those seeking to return to study after a long period of unemployment; having been made redundant; and/or with caring responsibilities, whose personal circumstances have made it difficult for them to benefit from education.

College curriculum will enable students to understand and embrace College values and the College's commitment to advancing equality of opportunity and valuing diversity.

9. Staffing

Vacancies within the College should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups who have Protected Characteristics from applying.

When advertising externally, the Human Resources Department may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic. In this event the advertisement will specify the exemption that applies.

Managers involved in the recruitment and selection process will be supported by HR.

The College will ensure that fair and adequate arrangements exist for both effectively managing and recording all aspects of the employment relationship, including recruitment and selection. For example, shortlisting should be done by more than one person and, where possible, with the involvement of HR.

Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. Job applicants will not be asked about their health or whether they have a disability before a job offer is made. There are limited exceptions when such questions can be asked and will only be asked with the approval of the Human Resources Department

The College is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the Human Resources Department or UK Visas and Immigration.

Action will be taken to ensure that individuals are treated fairly and that decisions on recruitment, selection, pay, training, development, promotion, career management and termination of employment are based solely on merit against objective and job-related criteria.

10. Professional Development and Training

All staff are required to take part in mandatory equality and diversity training to ensure that all employees of the College are aware of their role and responsibilities, so far as equality and diversity is concerned. Lecturers will be offered training and good practice advice to implement and promote Equality and Diversity in their teaching.

The Staff Development Policy will reflect the principles of the College's Equality and Diversity Policy.

Our conditions of service, benefits and facilities for staff are reviewed regularly to ensure that they are available to all who should have access to them and that there are no unlawful obstacles to accessing them.

11. Disabilities

If you are disabled or become disabled, the College encourages you to tell Human Resources about your condition, so that you can be supported as appropriate.

Where College staff experience difficulties at work because of a disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help you overcome or minimise the difficulty that you experience. The College may then wish to consult with you, your medical adviser and/or the College's Occupational Health specialist about possible adjustments. The College will consider the matter carefully and try to accommodate your needs within reason. If the College considers that a particular adjustment would not be reasonable, it will explain the reasons and try to find an alternative solution, where possible.

The College will monitor the physical features of its premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, the College will take reasonable steps to improve access.

12. Part-time and fixed-term work (staff)

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

13. Termination of employment (staff)

The College will ensure that the following procedures are applied fairly, objectively and not discriminatory (directly or indirectly):

13.1 redundancy criteria and procedures; and

13.2 disciplinary procedures and penalties (including but not limited to disciplinary warnings, dismissals or other disciplinary action).

14. Procurement standards

The College reviews its procurement policies and practices to ensure that they do not discriminate unlawfully and that they promote equality of opportunity.

Where relevant, the College will work with contractors to develop the delivery of specific goods, works or services in ways that promote equality and diversity. It monitors performance with contractors and consults services in ways that promote equality and diversity.

15. How to report a breach of Equality and Diversity

If an individual feels that they have been discriminated against (under one or more of the definitions set out above), in the first instance they should raise this with either their Curriculum Manager (students) or Line Manager (staff). If the individual feels it would be inappropriate to raise the matter in this way, they should report their complaint via the College's Complaints Policy or Staff Grievance Procedure. Any complaint will be treated in confidence and investigated as appropriate. Depending on the circumstances, the matter may be discussed informally with either the College's HR team (staff) or the Vice/Assistant Principal for the relevant curriculum area (students).

Where there are grounds for a formal approach, the matter will be dealt with in accordance with the College's Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal of a staff member or removal of a student's place at the College.

There must be no victimisation or retaliation against any individual who complains about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under the relevant Disciplinary Procedure, for either staff or students.

16. Audit, Monitoring and Review

The operation of this Equality and Diversity Policy will be audited, monitored and reviewed by the Equality and Diversity Committee reporting to the Corporate Board via the Senior Leadership Team.

This monitoring and review will include review of any Equality and Diversity related complaints, an annual report which sets out key staff and student data, for the relevant academic year, and an annual update of the Equality and Diversity Action Plan to ensure the College is making sufficient progress towards the achievement of the equality objectives that are relevant at the time of review.