



KENSINGTON COLLEGE OF BUSINESS

EQUALITY AND DIVERSITY POLICY

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Introduction

The College is committed to providing an environment that promotes equality of treatment and opportunity for all members of staff, applicants, students and visitors. Throughout the processes of application, registration / enrolment, course delivery and assessment, and in all related administrative work the College shall strive to ensure that none of the above shall be discriminated against, victimised or harassed.

Scope

This policy applies to all members of staff, applicants, students and visitors, and insofar as is practically possible, to contractors, service providers and any other persons indirectly involved in the functions of the College, but within our influence.

Policy Statement

The College aims to ensure that all people are treated fairly on the basis of merit irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity or paternity, race, religion or belief, sex, sexual orientation, socio-economic background.

The College wishes to provide a positive working and learning environment where diverse skills and experiences are applied to learning and teaching, support services, administration and management.

Applicants should have confidence that their applications (for study or employment) will be considered fairly and professionally, without bias, and on the basis of merit.

All staff and students should have equal access to the full range of institutional facilities and adjustments to working practices and delivery of education are considered wherever appropriate in order to accommodate a diverse College community.

An effective Equality and Diversity Policy requires the active support of the entire College community. The Board of Directors has ultimate responsibility, managers have direct day-to-day responsibility, and all members of staff and students have personal responsibility for its implementation, as outlined herein.

The College aims to ensure not only that students have a comfortable and secure environment in which to learn but also that those from different nations and/or backgrounds who may not be familiar with equality and diversity related legislation are made aware of their rights in the UK and given the confidence to demand that they be respected both within and outside of the College.

The College will take reference to relevant legislation and best-practice advice, including:

- Equality Act (2010) ¹
- Disability and the Equality Act (2010) ²
- Disciplinary Discrimination Act (2005) ³

¹ <http://www.homeoffice.gov.uk/equalities/equality-act/> ;
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf (03/09/2013)

² <http://www.legislation.gov.uk/uksi/2010/2128/contents/made> (03/09/2013)

³ <http://www.legislation.gov.uk/ukpga/2005/13/contents> (03/09/2013)

- Employment Equality (Age) Regulations (2006) ⁴
- Human Rights Act (1998) ⁵
- Race Discrimination Act (Amendment) (2000) ⁶
- Racial and Religious Hatred Act (2006) ⁷
- Sex Discrimination Act (Amendment) Regulations (2008) ⁸
- Special Education Needs and Disability Act (2001) ⁹

Grounds of Discrimination

Avoiding discrimination

Any member of staff, job applicant, student and prospective student, or visitor who believes that they may have been the victim of discrimination, harassment or victimisation shall have full right of protection under the College's Grievance Policy (published under "Student Welfare and Conduct Policy" - staff should refer to the Employee Handbook). Complaints can be made formally or informally, directly to staff or in writing, and anonymously (if required) in the hope that giving a range of options will encourage students who feel that they may have been unfairly treated to come forward.

Age

The College will not discriminate against any member of staff or student; prospective student or job applicant because of age (or perceived age).

The College will not use age, age-related criteria or age ranges in any publicity material or staff recruitment advertisements (internal or external) unless it is to take positive action.

Applications to study will be judged solely on the basis of the entry criteria, as set out in the Admissions Policy; members of staff shall be recruited and subsequently have equal rights to training, promotion and other aspects of career development based on merit. Age will not be used to justify a failure to promote or train a member of staff.

The College's normal retirement age is 65 for men and 60 for women.

The College will accept applications from those under the age of eighteen if they will be eighteen at the time of admission.

Disability

The College will not discriminate against members of staff, students, job applicants, prospective students, or visitors because of a disability, or perceived disability. The College welcomes applications from people with disabilities, values the contribution of existing staff and students with disabilities, and will treat staff and students fairly should they become disabled during the course of their study or employment.

A student is not required to inform the College of any disability that they may be aware of, whether it directly affects their study or otherwise. It is not advisable for a student to subsequently claim academic dispensation for assessment previously undertaken on the basis of disability which they

⁴ <http://www.legislation.gov.uk/uksi/2006/1031/contents/made> (03/09/2013)

⁵ <http://www.legislation.gov.uk/ukpga/1998/42/contents> (03/09/2013)

⁶ <http://www.legislation.gov.uk/ukpga/2000/34/contents> (03/09/2013)

⁷ <http://www.legislation.gov.uk/ukpga/2006/1/contents> (03/09/2013)

⁸ <http://www.legislation.gov.uk/uksi/2008/656/contents/made> (03/09/2013)

⁹ <http://www.legislation.gov.uk/ukpga/2001/10/contents> (03/09/2013)

were previously aware of but failed to inform the College, though such requests will be considered on a case-by-case basis.

Enquiries about Disability and Health during Recruitment

As an equal opportunities employer Kensington College of Business will not ask about the health of an applicant (including whether they are disabled) prior to either offering work to the applicant or prior to including the applicant in a pool of applicants from which we intend to select a person to whom to offer work, unless an exemption applies.

The only circumstances in which the College may make pre-employment health enquiries are:

- To establish whether the College has a duty to make a reasonable adjustment in respect of an interview/assessment process;
- To establish whether the applicant will be able to carry out a function that is intrinsic to the work concerned;
- Monitoring diversity of applicants;
- Positive action in employment for disabled people;
- Where having a particular disability is a requirement of the role;
- National security vetting.

The College will make every effort to facilitate reasonable adjustment to enable staff to carry out their roles. If a member of staff develops a disability (as defined in relevant legislation and best practice advice) during employment, the College shall follow the procedures set out in the Employee Handbook. A welfare meeting shall be held at which management will consider possible adjustments of duties or employment in the context of medical opinion and the likely length of the continuing condition / illness. Where a member of staff will be unable to resume previous employment, or no adjustment is deemed appropriate or reasonable, alternative employment will be considered, where possible. The alternative employment will be on the terms and conditions appropriate to that role. Termination of employment will only be taken as a last recourse, after a final welfare meeting. Employees shall have a right of appeal against such a decision.

Students will be interviewed on arrival and informed of procedures in place to assist them should they have special requirements or a disability. Students will also be made aware that they should inform the College should they develop special requirements or a disability during the course of the programme of study. Both pieces of information will be reinforced in various Handbooks.

The College will assist students by means including (and not limited to):

- making practical arrangements to assist in the delivery of education,
- alternative provision of course materials,
- practical arrangements for the completion of examinations and assessment
- academic dispensation and allowances (for degree courses, this will be in-line with the respective protocols of the University of Chester and Pearson BTEC HNC/HND)
- other special arrangements
- indicating to students who may be eligible for Disabled Students' Allowances (those who qualify for student funding)

Gender Reassignment

The College will not discriminate against anyone because they have changed, or are undergoing a change of sex (transsexual) and will support students and staff for whom gender reassignment grounds apply.

Race

The College does not accept any form of racial discrimination against any member of staff, job applicant, student, or prospective student because of their race or perceived race, colour, nationality (including citizenship), ethnic or national background, or religious beliefs.

All members of the College community have a duty to make sure that their working and learning environment is free from prejudice and victimisation.

Sex

The College will not treat any member of staff, job applicant, student, or prospective student less favourably because of their gender, whether they are male or female.

Sexual orientation

The College recognises that many lesbian, gay and bi-sexual people experience exclusion in social, academic and work related activities, and it will continue to work towards an environment when all people feel able to be open, should they choose, about their sexuality.

The College takes seriously the new rights under the Civil Partnership Scheme for staff and students.

Religion or beliefs

The College will not discriminate against any member of staff, job applicant, student, or prospective student because of cultural or religious beliefs or perceived beliefs. Where cultural or religious needs may conflict with existing working or learning requirements, the College will make adaptations, where practicable, to meet those needs (for example, prayer times, dress codes or religious holidays). We will encourage interaction with the student body and representatives to come to mutually agreeable arrangements.

All members of the College are expected to take account of the rights and reasonable sensitivities of others in pursuing their own observance; religious beliefs will not be used to justify negative treatment of others.

Students

Admissions

All recruitment materials shall use appropriate language. Prospective students shall be given realistic guidance on the costs they can expect to pay and of the financial support arrangements available to them, where relevant.

The College shall issue Offers in accordance with its Admission Policy, but wish to highlight the particular importance of requests for sponsorship for Tier 4 (General) Student visa applications by non-EEA international students. These are not subject to the same admissions criteria but are based on the College's interpretation of Home Office / UK Visa and Immigration policy guidance.

The College shall periodically review its policies and procedures to ensure that they continue to support the College's mission and strategic objectives, that they remain current and valid in the light

of changing circumstances and that they meet all external requirements, including adherence to equalities legislation.¹⁰

Where an applicant has reason to believe that their application has not been handled fairly, objectively or in accordance with the procedures described above and/or in the Admissions Policy, the applicant can firstly request an explanation from admissions staff and, where the explanation given is not considered sufficient (or a complaint involves the member of admission staff) the applicant should write to the Registrar setting out their reasons.

The College does not positively promote applications for under-represented groups within our student cohort, as is reasonable for a small educational institution. It is not within the scope of the College to redress prevalence of admissions for male students as opposed to female from some of our most successful international recruiting markets, for example, which are often based on ingrained cultural norms. Similarly, within the resources available to the College, it is not realistic to expect the production of targeted marketing materials towards under-represented groups. It is our stated aim to produce universal marketing materials which are equally applicable to all and certainly not to reinforce barriers to equal opportunities where they might already exist.

The College has not yet had to apply secondary admissions criteria to applicants with comparable academic qualifications where courses are over-subscribed. In such cases the College would reserve the right to make a judgement including, for example:

- Indirectly related issues- demonstrable commitment to study (and particularly study in English), value to the student cohort (which could be demonstrated by extracurricular activities, etc.).
- ability (making a judge on relative levels of a ability above the entry criteria) - English language ability, prior qualifications

Where such judgements are required they will only be undertaken by Senior Admissions staff, and the College shall commit to reviewing admissions criteria and trends more frequently (as a guide, once per intake) to ensure that judgements are made fairly, transparently and without inadvertent breach of equality.

Attendance and Progress

The College maintains a single policy of monitoring attendance and progress, but there are notable differences for home/EEA nationals/non-Tier 4 Visa routes and those under sponsorship as Tier 4 (General) Students. This is under the direct requirements of the UK Visa and Immigration who have specific rules regarding required level of attendance and permitted number of resits for Tier 4 Students. The College currently has no discretion as regards sponsorship duties, but commits to ensuring that applicants and students under Tier 4 are clearly informed of the requirements and any subsequent changes.

Curriculum

The College is committed to the promotion of equality of opportunity with respect to programme content, approaches to teaching and learning, assessment methods and the structure and timetabling of courses of study. It shall aim to ensure that documents such as module study guides and programme handbooks, teaching materials and assessments reflect the aims of this Policy and can be made available in alternative formats, on request.

¹⁰ With particular reference to the Equality Act 2010, Part 6 - Education:
<http://www.legislation.gov.uk/ukpga/2010/15/data.pdf>

The College shall aim to offer courses which are relevant, interesting and accessible to all persons, irrespective of gender or age, and from a wide range of social and cultural backgrounds. We will look to engage with student representatives for feedback on course content.

The College is aware of an imbalance between admissions of male and female students and has a continuing policy of ensuring that assessments are designed so that topics are not 'male orientated'.

Teaching

All staff and students of the College shall use language which is appropriate and is not gratuitously chosen in order to cause offence in the course of teaching and learning and in support of teaching and learning. However, it is fundamental principle of academic freedom that reasoned argument may be employed to test and challenge views, opinions and assertions of all kinds, and in no circumstances may this Policy be used to discourage or prevent the exercise of legally protected freedom of speech.¹¹

Assessment

The College's objective is to provide a fair method of assessment to ensure equality of treatment and opportunity for all of its students.

Appropriate and flexible arrangements shall be made for students with known disabilities and/or specific learning difficulties in the assessment and examination process, as detailed above.

The College aims to ensure that work is assessed without bias, by ensuring that all assignment and examinations are submitted for anonymous marking, as set out in the Academic Policy.

Services and Facilities

The College is committed to access by all of its students in groups or as individuals to the central services it provides and the facilities it offers. Services and facilities shall only be withheld from students on the basis of clear policies relating to debtors and/or disciplinary action in the Fees and Refunds and Student Welfare and Conduct Policies, respectively.

Health and Safety

The enforcement of reasonable health and safety requirements shall not constitute discrimination.

Employees

All employees are given an Employee Handbook which clearly states the rights and requirements as regards equality and diversity.

Training

All College staff dealing with students shall be made aware of this Policy, which shall be supplemented by basic training appropriate to their role in the College.

Harassment and Bullying

Allegations of harassment and bullying are regarded extremely seriously and may be grounds for disciplinary action, in accordance with the College's respective Student / Employee Policies.

Equal pay

The College supports the principle of equality of opportunity in employment and believes that staff should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value, regardless of gender (including staff who have undergone gender re-assignment).

¹¹ With particular reference to: <http://www.legislation.gov.uk/ukpga/1986/61>, "Education (No. 2) Act 1986, Part IV: Freedom of speech in universities, polytechnics and colleges" (Link: 03/09/2013)

Job descriptions

All members of staff have a job description, which outlines the main duties of their role within the College.

If an employee changes roles during their employment they will be given a job description for their new role.

Appraisals

The College operates an annual staff appraisal process in which all members of staff are required to participate. Managers will use this process to give feedback to individuals and provide clear guidance on their area of work.

Training, development and promotion

All members of staff are encouraged to take part in staff development, where relevant. Development opportunities are communicated by a variety of means across the College but the appraisal process provides an opportunity to agree development activities and review progress.

Work-life balance

The College recognises, accepts and values staff members' different needs including care responsibilities and personal development. The College has a number of policies covering work-life balance and family friendly options including; maternity, paternity, adoption leave and pay, parental leave and special leave, found in the Employee Handbook.

Confidentiality

The College will protect the confidentiality of any equal opportunities monitoring data on staff or students, and will safeguard any information disclosed voluntarily within the regulations set by the General Protection Data Regulations. The information will be used for statistical purposes only and the College will safeguard the confidentiality of personal information disclosed.

Staff Recruitment and Selection

Advertisement

The College will advertise posts outlining the relevant skills, qualifications, knowledge, competencies, and experience necessary for the job in order to attract the best applicants, unless it is to take positive action to welcome applications from groups which do not usually apply, or are underrepresented in the workforce or in the grade being advertised.

When positive action is appropriate and in response to meeting the needs of a particular group who may be under-represented, the College will consider placing advertisements in appropriate publications.

Any external recruitment provider will be vetted and used only if its practices are compliant with the College's policies regarding equal opportunities.

Short listing and Interviews

The College will produce a short-list of job applicants who, from the evidence available, appear to have the necessary skills and competencies in relation to criteria stipulated in the job description/person specification.

The College will ensure that all members of staff who are involved in short-listing or in interviewing job applicants (or other selection processes) are made aware of the College's policies on equality and diversity, and act in accordance with them.

Responsibilities for Implementing the Policy

Equality & Diversity Advisory Group

This group chaired by the Director have overarching responsibilities for:

- Overseeing the compliance with all Equality Legislation
- Promoting the delivery of positive equality actions across the College
- Updating the Academic Board and the Board of Directors on equality issues and compliance

Members of Staff

All members of staff have the responsibility to:

- comply with this Policy and co-operate with their Line Managers
- treat others with respect at all times
- actively discourage discriminatory behaviour/practice
- participate in training and wider learning opportunities to eliminate prejudice and extend good practice.

Students

All students are provided with information about Equality and Diversity in the Student Handbook at enrolment, and are expected to be aware of the Equality and Diversity Policy and to abide by its principles. In particular they should:

- treat everyone with respect and dignity, whatever their background
- avoid degrading and stereotypical images or such references to minority groups
- treat other students as individuals and refrain from discriminatory or harassing behaviour which relates to current or historical conflict between people of different racial group.

Breach of Policy

Complaints of discrimination on the grounds of the areas covered by this policy should be brought using the appropriate Grievance Procedures for staff (*reference*: Employee Handbook) or Complaints procedure for students (*reference*: Student Welfare and Conduct Policy).

If staff have any concerns they should speak to their line manager informally in the first instance. If a member of staff wishes to make a formal complaint, they should refer to the grievance procedure or the bullying and harassment policy and procedures, detailed in the Employee Handbook, as appropriate.

Any student or member of staff- current, prospective or former, or those directly or indirectly involved with them should feel encouraged to bring any concerns they have to the attention of the management of the College. This can be done formally (in writing) or informally (either in writing or in person) and either confidentially or not, depending on the nature and seriousness of the matter.

Any complaint or report of suspected breach of equality policy will be dealt with seriously.

Enhancement

The College commits to the following areas of improvement as regards equality and diversity:

- Providing clearer means for applicants to inform the College of any obstacles overcome during prior education which can be taken into account in the admissions decision

- Clearer guidance for students to inform the College as early as possible of any disabilities for the purposes of 1) assisting in the provision of practical assistance and/or 2) academic dispensations and arrangements
- Provide greater instruction to international students that they have certain rights under equality and diversity legislation in the UK as a component of the overall goal of the College to develop students into confident graduates
- Greater analysis of wastage/non-retention rates amongst sponsored students to ensure that identification of individuals as high-risk for Tier 4 visa sponsorship is done as accurately as possible