

# Personal Relationships at Work Policy

## Document Control

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Version	Date	Description	Change ID
1			
2			
3			

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# Contents

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1. Purpose .....	3
2. Applicability .....	3
3. Principles .....	3
4. Policy .....	4
5. Actions to be taken on appointment.....	5
6. Actions to be taken with respect to relationships formed whilst in post.....	6
7. Actions to be taken when issues cannot be managed effectively .....	6
8. Review .....	7
Other Relevant Documentation .....	7

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## 1. Purpose

- 1.1 The Council recognises that employees who work together may have or form close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary to ensure that all employees behave, and are perceived to behave, in an appropriate and professional manner at work.
- 1.2 The purpose of this policy is to set out the approach that the Council will take to ensure that close personal relationships at work do not have an adverse impact in the workplace or on the reputation of the Council.
- 1.3 The provisions of this policy are intended to avoid any possible conflict of interest, perception 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 employees' treatment or broader working relationships.
- 1.4 The Personnel Committee has approved the Personal Relationships at Work Policy.

## 2. Applicability

- 2.1 This policy applies equally to all non-school based employees working for the Council, regardless of their job, level of seniority, gender or sexual orientation.
- 2.2 Close personal relationships, for the purpose of this policy, include pre-existing relationships as well as relationships that develop between employees whilst in employment.
- 2.3 Definition of close personal relationship:
- Employees or applicants who are married, dating, in a civil partnership or co-habiting;
  - Immediate family members of the applicant or employee, e.g. parents and step-parents, son and daughter, brother and sister, grandparent and grandchild;
  - Other relations of the applicant or employee, e.g. extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom there is a close personal relationship;
  - Close friendships – in some circumstances, as specified in the policy below.
- 2.4 This policy covers close personal relationships with contractors and suppliers, as well as with other employees. Close personal relationships with service users are not covered by this policy.
- 2.5 This policy has been the subject of consultation with heads of service and trade unions and has been ratified by the Council's Corporate Board.

## 3. Principles

- 3.1 The Council recognises that relationships as defined above may exist or develop within the organisation. Not all will be a cause for concern, but it is important to

be clear about what actions will be taken to prevent these concerns arising and to address any that do arise.

- 3.2 Any disclosure relating to a close personal relationship under the terms of this policy will be treated sensitively, fairly and with an appropriate level of confidentiality.
- 3.3 Wherever possible, the Council will seek to agree, with both parties, a resolution to any issues raised as a result of close personal relationships at work. However, it reserves the right to impose a solution if an agreed approach cannot be achieved.
- 3.4 The disciplinary procedure will be used to deal with serious breaches of this policy.

#### 4. **Policy**

- 4.1 Employees are required to declare a close personal relationship to their manager where there is a real or perceived potential conflict of interest. Any declaration should be treated with confidence and noted on the personal file.
- 4.2 The following paragraphs set out the circumstances where a declaration is required;
  - 4.2.1 Any employee who is involved in staff recruitment must inform his/her manager if he/she has a close personal relationship (including close friendships) with any of the candidates for appointment. He/she should not be involved in the selection process.
  - 4.2.2 Applicants for appointment (e.g. for a different job, secondment or development opportunity) must disclose to the decision-maker any close personal relationship with other employees in the team or service, or with relevant contractors or suppliers.
  - 4.2.3 Any employee who has a close personal relationship (including close friendships) with a contractor or supplier where the employee's job allows him/her authority over the contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), must declare the relationship to his/her manager.
  - 4.2.4 A manager should declare, to the head of service, a close personal relationship with any employee whom he/she supervises (directly or indirectly).
- 4.3 Any employee who is involved in a close personal relationship (including close friendships) with a colleague, contractor or supplier must not allow that relationship to influence his/her conduct at work in a way that could be, or be perceived to be, detrimental to the interests of the Council or to other employees.
- 4.4 An employee must not engage in any work related activities with the named contractor following the disclosure of a personal relationship unless this has been agreed in writing by the Head of Service (following written consultation with the Head of Finance and the Head of Legal Services).

4.5 In order to avoid a situation in which an employee has managerial authority over another with whom he/she has a close personal relationship, the Council reserves the right, if deemed necessary and after careful consideration of all available options;

- Not to appoint an individual to a post even if he/she is the best candidate for the job;
- To elect to transfer one or both of the employees involved in the relationship to a job in another team, service, or workplace.
- To consider dismissal of one or both of the employees involved, if no other options are available.

## 5. **Actions to be taken on appointment**

### 5.1 Where there is a relationship between applicant and manager

5.1.1 A line manager should not be involved in the selection process where he/she has a close personal relationship (including close friendship) with an applicant for a job.

5.1.2 Where new appointments are being considered, and there is a personal relationship (including close friendship) between an applicant and the immediate line manager or senior reporting manager of that team or service, 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.

5.1.3 The type of issues that should be explored include:

- potential conflict of interest and confidentiality issues, including the impact on the perceptions and employee relations within the team;
- the potential for alternative supervision/line management arrangements for the applicant where there are potential conflicts of interest;
- if the work of the post involves financial transactions, ensuring the appropriate separation of duties, probity and other financial safeguards;
- impact on service users or the public, including issues relating to trust and confidence and the public image of the Council.

5.1.4 It is important to ensure that any approaches or actions are not unfair or discriminatory. Avoid any assumption at the outset that the working arrangement will be unsatisfactory without exploring the issues, whilst exploring the issues that may arise to ensure these can be managed effectively.

### 5.2 Where there is a relationship between applicant and team colleagues

5.3 Where an individual is appointed, transferred or promoted and will work in the same team or establishment with an employee with whom they have a close personal relationship, but not in a line management relationship, the implications of this should be considered and discussed as part of the selection process. This will only affect the selection process if there is evidence that such a personal relationship will present any risks that cannot be effectively managed

#### 5.4 Authority to appoint

5.5 Where the appointing manager considers that a candidate could be appointed, despite a declared relevant relationship as defined, they must clear the appointment with their Head of Service.

5.6 Where one party to the relationship is the Head of Service, the necessary authority for appointment should be authorised by the Corporate Director and Head of Human Resources.

5.7 The recruiting manager should make a written record of the fact that the decision to appoint, despite a declared relationship, was made with appropriate authority. This record should be kept with the candidate's original application form on his/her personal file. The candidate should be made aware of this.

#### 6. **Actions to be taken with respect to relationships formed whilst in post**

6.1 Employees are expected to exercise judgement as to whether or not a relationship has developed to such an extent that it can be described as a close personal relationship that could potentially raise an issue that this policy seeks to address.

6.2 Failure to disclose such a personal relationship in accordance with paragraph 4.1 above 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 senior reporting manager and a team member, the appropriate senior manager within the team or service group should, in consultation with Human Resources and both employees:

- make alternative supervision/line management arrangement of the team member for issues involving a potential conflict of interest. These include matters related to pay, promotion, job opportunity, redundancy, discipline and grievance issues;
- consider if it is appropriate to communicate any agreed adjustments etc to other colleagues in the team/workplace to manage any concerns;
- consider more specific operational issues, e.g. in relation to finance and procurement roles and responsibilities which are governed by Financial Regulations, Procedures, or Procurement Rules;
- assess any impact on service users and the public, including issues relating to trust and confidence and the public image of the Council.

6.4 Expectations should be clearly defined and managed as appropriate.

#### 7. **Actions to be taken when issues cannot be managed effectively**

7.1 Where any issues identified cannot be managed effectively or the individuals within the relationship feel uncomfortable remaining within the same team (including after the breakdown of a relationship), a discussion should take place with both employees to explore whether a move to another team, service or location might be the most appropriate way forward.

7.2 When discussing such an issue there should be no assumptions made, on gender, status/grade etc. as to who might be the most appropriate employee to move. Care should be taken to avoid discrimination and ensure that the views of the individuals involved are taken into account, balancing this with the needs of the service and the issues that present themselves. Human Resources should be involved in the discussion.

### 7.3 Transfer

7.3.1 A transfer could mean a move to a different team, service or directorate, or a move to a different location for one or both the employees;

7.3.2 Wherever possible the transfer should be to a 'suitable alternative' post on the same terms and conditions as the employee's current post. Redeployment will be sought with transferees being given priority for vacant posts, after consideration of any redeployees on the grounds of redundancy or ill-health capability.

7.3.3 Of the two employees involved in a particular situation, the Council is likely to consider transferring the employee whose skills, experience and knowledge could be more easily deployed elsewhere;

7.3.4 An employee who refuses to move to a 'suitable alternative' post may be subject to the disciplinary process on the basis of refusal to comply with a reasonable management instruction.

### 7.4 Dismissal

7.4.1 Dismissal (for 'some other substantial reason') will only be considered as a last resort, and where the actions of either one or both parties concerned has adversely affected the operations or reputation of the Council or has significant potential to do so.

## 8. **Review**

8.1 This policy will be reviewed to respond to any changes and at least every three years.

## **Other Relevant Documentation**

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Officer Code of Conduct