



# **Personal Relationships at Work Policy**

Date to be Reviewed: August 2021

Date Agreed by HR Committee: 9<sup>th</sup> September 2019

## 1. Introduction

1.1 The Trust recognises that relationships such as those defined below may exist or develop within the organisation. Whilst not all such situations raise any issues there may be occasions where a perceived or actual conflict of interest exists between an employee's job or the Trust and public's interests and the employee's personal interests.

1.2 Examples of close personal relationships include:

- Employees or applicants who are married, dating, in a civil partnership or cohabiting arrangement;
- 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 whom there is a close personal relationship.

## 2. Objectives

2.1 This policy aims to assist Headteachers and employees in dealing sensitively, but effectively, with situations where employees have, or form a close personal relationship with a work colleague.

## 3. Minimum Standards

3.1 The provisions of this policy are built on the Code of Conduct and 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 fear that a close personal relationship will influence their or other employees' treatment or broader working relationships.

## 4. Responsibilities

### 4.1 Chief Executive

Delegate authority to Headteachers to act under this policy as appropriate.

### 4.2 Headteachers

Ensuring the application of this policy within their area by:

- Dealing promptly and sensitively with issues involving close personal relationships;
- Maintaining confidentiality where possible;
- Consulting HR over complex issues and if necessary instituting formal disciplinary action.

#### 4.3 **Employees**

Keep their Headteacher informed of any close personal relationships which may fall within (or be viewed as falling within) the scope of this policy.

Take all practical steps to ensure that any close personal relationships at work do not interfere or prejudice their employment, this policy should be followed to resolve the situation.

#### 4.4 **Human Resources**

Reviewing and updating of the policy.

### 5. **Procedure**

#### **Participation in Recruitment, Promotions, Grievance and Discipline.**

5.1 All applicants are requested to disclose on the Trust's application form if they are related to any employees. Applicants are asked to state the name of the person and the relationship. Failure to disclose such a relationship may disqualify the applicant or may result in action being taken in accordance with the Disciplinary Policy and Procedure.

5.2 To avoid accusations of bias an employee must not be involved in any appointment process where they are related, or have a close personal relationship outside of work with the individual being considered for appointment. Employees involved in appointments must ensure that those appointments are made only based on merit.

5.3 Employees must not be involved in any decision relating to discipline, grievance, promotion or pay adjustments for any employees where there is a close personal relationship.

#### **Where there is a Close Personal Relationship with an Applicant**

##### **Between Applicant and Headteacher**

5.4 Where new appointments are being considered, and there is a personal relationship between an applicant and an existing employee, where one of them would be an immediate line manager, 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.

5.5 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;
- Considering making alternative line management arrangements for the applicant where there are potential conflicts of interest;
- Impact on service users or the public, including issues relating to trust and confidence and the public image of the Trust.

### **Between Applicant and Colleagues**

- 5.6 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 relationship as defined in this document, but not in a line management relationship, the implications of this should be considered and discussed as part of the selection process.
- 5.7 It is important to ensure that any approach or actions are not unfair or discriminatory, i.e. avoid any assumptions at the outset that the working arrangement will be unsatisfactory without exploring the issues. Nevertheless, it is important to explore the issues that may arise to ensure these can be managed effectively.
- 5.8 Where it is considered that a candidate should not be appointed on the basis of a close personal relationship with an existing employee advice should be sought from HR to ensure that such a decision is a proportionate means of achieving a legitimate aim and is not discriminatory.

## **6. Authority to Appoint**

- 6.1 Where, following consideration of all the factors, the appointing Headteacher considers that a candidate could be appointed, despite a declared relevant relationship as defined, they must clear this with the Chief Executive and HR.
- 6.2 In addition, where one party to the relationship is the Governor, the necessary authority for appointment should be authorised by the Chief Executive and HR.
- 6.3 Where the relationship in question concerns the Chief Executive, the appointment should be cleared by the Chair of the Board and HR.
- 6.4 To avoid questions arising later, the appointing Headteacher is required to make a written record of the fact that the decision to appoint, despite a declared relationship, was made with appropriate authority. The record will be kept with the candidate's original application form on his/her electronic personal file; the candidate will be made aware of this and will be advised of why this is necessary.

## **7. Relationships Formed Whilst in Post**

- 7.1 Close personal relationships may form between colleagues in the same team or establishment 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.

## **8. Requirement to Disclose a Close Personal Relationship**

8.1 Where a close personal relationship is formed between members of the same team whilst in post, this should be disclosed, in confidence, to the Headteacher where appropriate, by the employees concerned. This disclosure should be recorded on the employees electronic personal file.

8.2 It is acknowledged that work related friendships are quite naturally formed in the workplace. Any employee is therefore expected to exercise judgement as to whether or not the relationship has developed to such an extent that it can be described as a close personal relationship, which could potentially raise the issue that this policy seeks to address. Failure to disclose a personal relationship could leave an employee open to allegations of misconduct should subsequent issues arise.

### **8.3 Factors for Consideration when a Relationship Forms whilst in Post**

8.4 The following issues should be considered where a close personal relationship develops within a working relationship.

- Any general operational issues e.g. working patterns, annual leave requirements etc.;
- More specific operational issues including finance and procurement roles and responsibilities which are governed by financial regulations, procedures, or procurement rules;
- Any potential conflict of interest and confidentiality issues;
- Any impact on service users or the general public image of the Trust;
- Consider if it is appropriate to communicate such agreed adjustments etc. to other colleagues in the workplace to manage any concerns.

8.5 The following issues should be considered in the context of a close personal relationship developing between a Headteacher and a school employee:

- Make alternative line management arrangements for the school employee for issues involving a potential conflict of interest. These include matters related to pay, promotion, job opportunity, discipline and grievance issues;
- Consider if it is appropriate to communicate any agreed adjustments etc. to other colleagues in the workplace to manage any concerns;

Expectations should be clearly defined and managed as appropriate.

### **8.6 When Issues Cannot be Managed Effectively**

8.7 When any issues identified cannot be managed effectively or the individuals within the relationship feel uncomfortable remaining within the same workplace, there will be the need to explore, in discussion with both employees, whether a move to another team or school might be the most appropriate way forward.

- 8.8 When discussing such an issue there should be no assumption made, on gender, status or 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. HR can assist with this process where required.

## **9. When a Relationship Breaks Down**

- 9.1 There may be occasions when a relationship as defined, breaks down and the individuals concerned remain in the same team or school with a potential impact on team relationships and performance.
- 9.2 In such cases use of counselling may be useful to the individuals concerned as an initial approach. 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. HR can assist with this process where required. This may, ultimately, in some cases need to involve exploring with the parties the scope or transfer of one or both of them.

## **10. Other Colleagues Impacted by a Close Personal Relationship**

- 10.1 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 Headteacher and HR to explain their concerns.

## **11. Provision of References**

- 11.1 When providing references, the individual providing the reference should make clear if it is provided as a personal or colleague reference or provided formally as a reference on behalf of the Trust. If a reference is not being provided by a Headteacher or HR i.e. formally on behalf of the Trust, then the reference should not be produced on the Trust headed stationary (please ensure the "providing a reference" procedure is followed).

## **12. Relationships with Contractors or Potential Contractors**

- 12.1 No special favour should be shown in the tendering process to businesses run by, for example, friends, partners or relatives. Employees who engage or supervise contractors or have any other work relationship with contractors and have previously had, or currently have a close personal relationship with someone who works for contractors, must declare the relationship to their line manager and must not be involved in any part of the transaction process.

### **13. Data Impact Assessment**

- 13.1 At all stages of the procedure data obtained will be used for the purpose for which it is intended and will be stored securely with restricted access to those involved in the process. Following the process, data will be stored on the electronic personal file for the duration of the employees' employment with the Trust and for 6 years thereafter. The data will be destroyed at this time using a confidential shredding service.

### **14. Equality and Diversity**

- 14.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact HR who will if necessary ensure the policy is reviewed.