

Personal Relationships at Work Policy

HWHR14

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1. Introduction

- 1.1.** This document provides information, advice and guidance to managers and employees regarding acceptable boundaries where personal relationships overlap with a professional one.
- 1.2.** The Herefordshire and Worcestershire CCG have a duty to protect the interests of the community it serves and our employees, and to act when close personal relationships either have the potential to or do impact upon the CCG business.
- 1.3.** It is recognised that close personal relationships can and sometimes are formed between colleagues who work together and that there may be situations where related persons, or individuals with a close personal relationship are employed within the same team or work area.
- 1.4.** In situations where a personal relationship has a negative impact or has the potential to impact on the CCG's business, services or reputation, the CCG reserves the right to take some action as outlined in this guidance and policy.

2. Purpose

2.1. There are several key reasons why this guidance and policy are required as follows:

- To protect our patients and the communities we serve.
- To protect the employee against potential claims of favouritism, where one has a supervisory or managerial responsibility for the other.
- To avoid employees being in a potential conflict of interest situation or claim unfair treatment.
- To prevent the development of situations in which other employees feel unable to speak openly and honestly in the presence of one partner in the relationship or where employees consider that the significant personal relationship is having an adverse impact on their own employment.
- To protect employees who are in relationships with colleagues by providing a structure which supports them as employees.
- To protect the employees against favouritism within the working environment and that all actions are open and transparent. Favouritism is already mentioned in bullet point 2
- To avoid the potential for claims of fraud, bribery, corruption and /or collusion.

3. Equality Statement

- 3.1.** Herefordshire and Worcestershire CCG aims to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 3.2.** In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG is responsible, including policy development, review, and implementation.

4. Scope

- 4.1.** This policy applies to all employees of the Herefordshire and Worcestershire CCG. This policy also applies to contractors, bank/ locum workers, volunteers, and those who may hold an honorary contract with the CCG and staff from other organisations working within the premises.
- 4.2.** This policy also applies to job applicants in the recruitment process. See section 10 below.

5. Definitions

- 5.1.** It is difficult to define what constitutes a personal relationship with a colleague or patient however those relationships which require employees to declare under this policy is a relationship that goes beyond normally accepted boundaries of the professional sphere between colleagues and includes being personally involved i.e. an emotional or romantic relationship, being sexually involved or a close family member.
- 5.2.** A relationship can be with an existing or prospective employee, a contractor or supplier, a patient being treated by a provider or partner organisation within the STP including children, young person or vulnerable adult client or carer that an employee meets as a result of their employment.

6. Roles and Responsibilities

- 6.1. Lead Executive Director** – the lead for this policy is the Accountable Officer with all Executive colleagues having responsibility for ensuring compliance with the policy. They will ensure that all CCG staff are fully aware of this policy and its requirements.
- 6.2. Line Managers** - Line Managers have a duty to ensure that all staff are aware of the policy and ensure that all staff who access the policy follow the correct procedure with support from the Human Resources Team.

The specific responsibilities of managers are as follows:

- To ensure that they are familiar with this guidance and Policy.
- To ensure they comply with all the requirements of the Policy; dealing with any matter in an appropriate manner seeking HR advice.
- Deal promptly and sensitively with issues involving close personal relationships at work.
- Conduct matters involving close personal relationships at work in a consistent, fair and reasonable manner, maintaining confidentiality where possible.
- Declare any relationships formed with a direct report employee.
- Do not provide official organisational references for any employee with whom you have a close personal relationship.
- Keep any information regarding personal relationships confidential and secure.
- Seek the assistance of the HR team before dealing with any issues which may arise.
- They should also ensure that a formal note is taken of any meetings to discuss personal relationships.

6.3. Employees - All staff should be aware of this Policy and understand and adhere to the procedure. Individual staff members have a responsibility for the following:

- Ensure that any close personal relationships at work do not interfere with their duties and responsibilities.
- Be open and honest with their Line Manager and provide details of any relationships where appropriate.
- Declare the existence of close personal relationships or when they develop as required under this Policy to the relevant Manager.

6.4. Human Resources - The Human Resources team will: -

- Provide advice and support to colleagues and managers within the CCG in the application of this policy to ensure that any issues are managed fairly across the CCG.
- The Human Resources team will ensure that this policy is updated in accordance with changes in employment legislation.
- Managers are advised to seek advice before taking any action arising from the Risk Assessment (see Appendix 1 below).

7. Principles for Managing Close Relationships at Work

7.1. Guidance for all staff

Employees must declare to their Line Manager or equivalent at the earliest opportunity any relationships which may give rise to a real or perceived conflict of interest, breach of trust and /or confidentiality. This is to allow for a discussion about the potential risks and conflict of interest and to prevent colleagues from any unfounded allegations of favouritism, as well as protection from less favourable treatment.

Conflicts of Interest could include, but not limited to the following examples:

- Relationships with individuals within the same organisation.
- Relationships with individuals who have a role in partner organisations within the health economy.
- Relationships with individuals who have a role in organisations, with which the CCG could potentially do business with.

If the employee's relationship is with an individual regarded as a "decision maker", this would need to be recorded as an indirect interest. Alternatively, it could meet the criteria of a non-financial personal interest. The Head of Governance and Corporate Affairs/Corporate Governance Manager can advise on all aspects of the process and the CCGs Conflicts of Interest Policy is available via <http://www.southworcsccg.nhs.uk/south-worcestershire-ccg/corporate/?assetdet1088028=154771>

If a close relationship is formed at work, managers will be able to support staff in discussing the potential risks and conflicts of interest in decision making or other matters. Typically, the types of risk could occur in the following areas:

- Recruitment and selection for appointment or promotion.
- When undertaking an assessment of competence or skills.
- Selection for awards, allocation of training or development.
- Project, research or dissertation supervision.
- Employee relations matters such as disciplinary and grievance.
- Management of sickness /other absence.
- Supervision/management of staff including management of performance and capability.
- Financial transactions including approving invoices, expenses, overtime and any other benefits/payments.
- Access to confidential information.

In balancing the rights of employees and the responsibilities of the organisation in avoiding these potential risks the following guidelines apply:

- An employee should not be involved in any aspect of the recruitment and selection process if they have a personal relationship with any candidate.
- An employee should not be involved in any informal/formal procedures if they have a personal relationship with individual concerned.
- Employees in a personal relationship should not work together in any circumstances whereby a conflict of interest, breach of confidentiality or unfair advantage may be perceived to be gained from the overlap of a personal relationship. For example, where a direct line management relationship exists.
- Where a close relationship exists or develops, employees should not normally work in the same location or team without making a disclosure to the appropriate manager. It may not be necessary to alter working arrangements. However, a risk assessment must be carried out - see Appendix 1 below.

- Where employees are involved in influencing procurement decisions which may involve awarding contracts/orders to organisations with whom they, or employees with whom they have a close relationship, have an interest they should declare that interest on the conflicts of interest form immediately thus removing them from the decision-making process.
- If staff are in personal/intimate relationship with a colleague, they should not display any obvious signs of affection whilst at work.
- If a relationship breaks down, it is essential that there are no acts that could be interpreted as arguments or disagreements occurring at work. Affected staff may wish to discuss the situation with their Line Manager.

7.2. Guidelines for managing relationships between employees

Where relationships at work are declared, it is expected that the situation will be managed sensitively.

It is important to ensure that any approach or actions are not unfair or discriminatory and avoid any assumption at the outset without exploring the issues thoroughly.

Having been advised of the relationship, the Line Manager will work with the employees concerned to identify any risks to themselves or conflicts of interest in the team by means of a risk assessment see Appendix 1 below. Guidance on this can be obtained from the HR team.

This risk assessment will involve a discussion to determine the impact of the relationship on the team, service and the employees' work. No changes will be made until detailed discussions have taken place.

In establishing the impact of the relationship, the manager will need to consider the following:

- Is there an impact on other staff/patients/service users such as feeling uncomfortable because of the existence of a known relationship?
- How can the relationship be managed at work to avoid any impact on other staff or service users if required?
- Is a personal relationship seen to advantage one employee and disadvantage another?
- Is the relationship potentially interfering with the professional conduct of the CCG's business?
- Is the relationship potentially having a negative effect on the workings of the team?
- Any other factors?

Wherever possible agreement will be reached between the employee/s and the manager about the reason for any move or change necessitated as a consequence of a significant personal relationship.

Information disclosed should remain confidential and wherever possible should not be disclosed to other parties without the express permission of those involved. If it is considered unavoidable to inform other employees about the relationship in order to explain a change in management arrangements, this will be discussed with the employees concerned, before it is disclosed.

In the event of a breakdown of the relationship it is expected that both employees will behave professionally to ensure no impact on services and colleagues. Failure to behave professionally, or evidence that an individual has allowed a personal relationship to impact on decision-making/treatment of colleagues, or evidence of harassment, will be treated as a disciplinary matter.

Where there is evidence that there could be a negative impact on the service or on colleagues, additional guidance is given below at **Section 14**.

A note of this discussion will be placed on the personal file of both people involved in the relationship.

7.3. Specific Guidelines for Managing Relationships Between Employees – Where there is a Line Management Relationship

The CCG does not find acceptable a relationship in positions where:

- Where there is a direct line management/supervisory relationship between the two individuals, such as maternal/paternal relationships and step relationships (this is not an exhaustive list) this would not be supported.
- The line manager does not manage the employee directly but is the manager's manager.

This is because of the potential conflict of interests, which could cause significant problems with employee management (e.g. appraisal, grievance, discipline, etc.) by creating the potential for claims of favouritism or unequal treatment.

In these circumstances the direct line management arrangements may not be allowed to continue. This is to protect both parties and alternative arrangements will be explored. Where alternative direct line management arrangements are not possible, then consideration will be given to indirect line management arrangements and the impact on the employment relationship. Each case will be judged on its own merits following discussion and a risk assessment being completed.

Appropriate actions could include allocating management responsibilities such as appraisals, signing of timesheets or expenses claim forms, annual leave or sickness review meetings etc., to another Manager. Where this is not possible a different Line Manager will sign expenses claims forms and a HR representative will attend any meetings the employee has with the Line Manager.

Where the above solutions are not possible alternative arrangements will be considered such as relocation to another team.

7.4. Managing Situations when a Personal Relationship Adversely Affects the Workplace – Guidelines for Managers

In cases where a personal relationship causes issues in the workplace these should initially be addressed and resolved informally. Issues arising should be dealt with promptly and sensitively by the relevant Manager and not allowed to continue unchecked. Managers need to recognise their responsibility to all team members and to the needs of the business.

The CCG will make decisions based on the best interests of the service, patient care and relative impact upon each employee.

The risk assessment in Appendix 1 would need to be undertaken, and action considered based on this assessment.

Both employees will be consulted to identify if one party is to be moved. Consideration will be given to the knowledge, skills and experience of both employees, and the options for redeployment.

Consideration should also be given to the use of mediation if appropriate to the circumstances advice can be sought through the HR team.

8. Personal Relationships between employees and patients

- 8.1.** It is recognised that in some roles, employees will establish a rapport with service users, their relatives, and carers, but they are also responsible for establishing and maintaining appropriate boundaries between themselves and those who use our services.
- 8.2.** It is essential that all interactions between patients and CCG employees are viewed and maintained in terms of a professional relationship.
- 8.3.** The highest standards of personal and professional conduct and integrity are expected in order to maintain the confidence of patients, clients, and service users in the professionalism of the CCG's employees.

9. Job Evaluation/Promotion/Pay

- 9.1.** Employees must not be involved in the authorisation of a job description for job evaluation purposes for another employee with whom they have a close personal relationship and are expected to declare any such interest immediately if they are approached to participate in the job evaluation process.
- 9.2.** They should not be involved in any decisions relating the promotion or pay of another employee with whom they have a close personal relationship. Failure to declare an interest may result in action under the CCG's Disciplinary Policy.

10. Recruitment

- 10.1.** The CCG's Recruitment & Selection Policy is designed to ensure objectivity and equality of opportunity throughout the recruitment and selection process and has been developed to safeguard these principles and participants in the process, where the relationship between applicant and recruitment/selection decision makers may present a risk of conflict of interest (e.g. where applicants are close friends or relatives of the recruiting manager or panel members).

- 10.2.** Job applicants are required to declare on their application any personal/work relationships that may result in any potential conflict of interest. This is to ensure that employment decisions are transparent and free from bias, favouritism or prejudice.
- 10.3.** Where a relationship between applicant and recruitment/selection decision makers exist, this may present a risk of conflict of interest.
- 10.4.** Failure to disclose such a relationship may disqualify the applicant from the recruitment process.
- 10.5.** All decisions related to the declaration of potential conflict and risk assessment should be correctly recorded and returned to HR.
- 10.6.** In cases where a conflict of interest does arise, a risk assessment must be undertaken to determine the risk, but it would be normal that the panel member would withdraw from the process. Failure to declare any interests may result in disciplinary action.
- 10.7.** Similarly, an employee who has a relationship with another should not act as a referee for that person for both internal and external positions.
- 10.8.** Where the applicant, if appointed would work in the same team as an employee with whom they have a close personal relationship, the implications of this should be considered and discussed as part of the selection process.
- 10.9.** Once appointed, if an employee is found to have failed to declare a relationship on their application form with an employee who was involved in the recruitment process or with whom they now have a line management or subordinate working relationship this will be investigated under CCG's disciplinary procedures and may lead to disciplinary action.
- 10.10.** In the event that that the employee's personal situation changes in the future or either party leave the organisation then the record will be destroyed. Failure to disclose a personal relationship could leave an employee open to allegations of misconduct should subsequent issues arise.

11. Disciplinary Issues

- 11.1.** Employees must not be involved in any investigation, hearing or other decisions involving another employee with whom they have a close personal relationship. This conflict of interest should be declared as soon as the employee is approached to participate in proceedings. Failure to do so may result in action under the CCG's Disciplinary Policy.
- 11.2.** In situations where one employee in a relationship is subject to investigation under CCG's procedures such as disciplinary, consideration should be given to the temporary redeployment of the other employee in the relationship whilst the investigation takes place. This is both to ensure that a thorough and fair investigation is possible and also to protect that employee from false accusations that they might be impeding the investigation.

11.3. Where a member of staff in a relationship with another staff member is involved in a workplace investigation (e.g. disciplinary, bullying and harassment), the staff member may discuss the case with their partner if they wish to. There is an expectation that the terms of confidentiality outlined as part of the investigation would then extend to the staff member not directly involved in the investigation. If guidance or support is required by either staff member, they should contact their Line Manager, or the named manager identified to provide support during the process.

11.4. Where issues arise that involve one employee in relationship any discussions will remain confidential to that employee.

12. Raising Concerns

12.1. Any employee who feels that a close personal relationship is adversely affecting their employment, the functioning of the team or the provision of services is encouraged to share their concerns at the earliest opportunity with their Line Manager or more senior manager if they prefer.

12.2. This also applies to employees in a close personal relationship who feel they are being disadvantaged because of the relationship.

13. Appeal Process

13.1. In the unlikely event that the issues are not resolved following the risk assessment, the employee has the right of appeal against any action taken under this policy. The appeal must be submitted to the Head of HR and OD. The appeal will be heard under Stage 2 of the Grievance Procedure.

14. Guidance for Staff on Expectations for Professional Behaviour

The following are examples of the negative impact that staff are advised to be aware of when in a personal relationship at work (non-exhaustive List):

- Neglecting work.
- Communicating confidential information to each other.
- Behaving in a way that may cause difficulty or embarrassment to others, for example, arguing in the workplace or open displays of affection.
- Not communicating with each other as a result of disagreement or the breakdown of the relationship.
- Inflexibility in working arrangements, this may be of particular importance within small teams where cover is already difficult.
- Effect on the CCG's and confidence of colleagues in relation to a conflict of interest, fair treatment and their own ability to discuss issues openly within a team or with their Line Manager.
- Perception of colleagues, patients or the general public in relation to professionalism and fairness of the CCG's and its employees.
- Conflicts of interest of those involved in personal relationships.

- Actual or perceived bias regarding recruitment, promotion, [rostering,] annual leave allocation, appraisals, discipline and grievance and other operational matters where staff in a personal relationship are also in a direct reporting or subordinate relationship.
- Potential for negative effect on general public perception of fairness, objectivity and impartiality.
- Fear of favouritism by other colleagues.
- General adverse impact on team dynamics and reduction in team morale.
- Outputs may be disrupted in the event of relationship breakdown.
- Impact on HR team or management resources and increased legal risks in the event of relationship breakdown.

APPENDIX 1

RISK ASSESSMENT FORM

To be used to risk assess when a personal relationship exists or develops with another employee or patient with whom they have contact, protecting the interests of all who may be affected.

Names of employee or patient involved:	
Employee job title (if applicable):	
Department:	
Managers name:	
Managers job title:	
Date of risk assessment:	
Give a brief explanation of the relationship:	

Please note that the information obtained from this risk assessment will remain confidential if some of the details do need to be shared, you will be notified beforehand.

Area of Risk	YES/NO	If a risk is identified give details of actions to be put into place; or existing control measures:
Have any concerns been raised by other employees or patients? If yes, what impact is this having? Is the employee aware of this?		
Is there a supervisory or managerial responsibility for either individual?		
Do the employees work in the same work area?		

Does the relationship pose a potential conflict of interest?		
What will happen if the relationship has an adverse impact on their employment?		
What support if any needs to be put into place?		

Additional comments from employee

Signature of employee:

Date:

Additional comments from the manager.

Signature of Manager:

Date:

c.c. Personal file / Human Resources