The Newcastle upon Hospitals NHS Foundation Trust

Employment Policies and Procedures

Maintaining Professional Boundaries Policy

Version No.:	3.0
Effective From:	3 June 2016
Expiry Date:	3 June 2019 **(Extended to 03 December 2019)**
Date Ratified:	4 May 2016
Ratified By:	Employment Policies & Procedures Consultative Group

1 Introduction

1.1 To ensure Trust business is conducted in a professional and proper manner it is necessary to recognise and give guidance regarding personal and professional relationships between employees and patients and relationships between colleagues as these may overlap.

1.2 This policy should be read in conjunction with the Trust's Standards of Business Conduct policy.

2 Scope

This policy applies to all managers, employees, contractors, agency staff, bank workers, students, honorary contract holders and anyone else engaged to work in the Trust, as well as, volunteers and those who have been granted clinical access or observer status.

The policy applies to existing relationships formed outside of work, which may in the future impact on the workplace, as well as those which are formed whilst working for the Trust.

3 Aims

3.1 To highlight that employees must not allow to develop, or use their status/position to instigate a personal relationship with a patient in their care.

3.2 To give guidance regarding the considerations staff must make if they are involved in a relationship with a colleague or potential colleague.

4 Duties (roles and responsibilities)

4.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.

4.2 Directorate managers, heads of service and clinical directors are responsible to the Executive Team for ensuring policy implementation.

4.3   Managers are responsible for ensuring policy implementation and promoting awareness of this policy amongst their employees.

4.4   Employees are responsible for complying with this policy

5   Definitions

For the purposes of this policy, a personal relationship is defined as a:

- business/commercial/financial relationship
- family/close personal relationship, this includes
     a. spouse/partner/former spouse/partner
     b. parents (including in-laws and step-parents)
     c. children, (including in-laws and step-children)
     d. siblings
     e. grandparents, grandchildren
     f. aunts, uncles & cousins
- sexual/romantic relationship

6   General principles

Employee and Patient relationships

6.1   It is unacceptable for relationships to develop between employees and patients in any way, including via electronic communication such as e-mail or social networking sites. Professionally registered staff should be mindful that they could be putting their registration at risk by undertaking or participating in such communication, additional information can be found in the Trust's Use of Social Media Policy.

6.2   Employees that have a personal relationship with a patient must not be involved in their care, diagnosis or accessing any of their information

6.3   Employees must declare their personal relationship with a patient when the patient attends and/or is admitted to the department in the hospital in which the employee works. In the rare occasion that the employee is not able to be exempt from the care team, the relationship should be recorded in the patient notes.

6.4   In the case of an employee being involved in an emergency situation with a patient they have a personal relationship with, the employee shall not be excluded from the situation unless it is safe to do so with due consideration for the health, safety and welfare of the patient concerned.

Relationships between colleagues

6.5   It is acknowledged that relationships may pre-exist and/or can develop at work between employees.   Where this occurs, the individuals concerned must be mindful of the impact it can have on others. Individuals should disclose the relationship to their line manager, who will record the relationship

on the Contacts page of ESR. Where the relationship is with the line manager, the line manager should inform their manager at the earliest opportunity. The information declared will be treated in strict confidence.

6.6   Transparency is an expectation of all staff in the undertaking of their duties. It is not acceptable for a manager to authorise payments, leave of absence of any kind or appraisals for another employee with whom they are in a relationship with, nor is it acceptable for any employee to provide a reference for another employee with whom they are in a relationship with. Further information is available from References – Provision of References from the Trust Policy. Such action will be considered to be in breach of this policy.

6.7   In certain circumstances, it will be appropriate to avoid a situation in which an employee has managerial authority over a person they have a personal relationship with. In such circumstances, the Trust reserves the right to consult with both parties to reach a satisfactory resolution.

6.8   Relationships between employees must not be detrimental to working relationships, discharging duties and responsibilities, service delivery or harmony within the workplace.

6.9   The Trust's Standards of Business Conduct policy must be observed at all times when involved in introducing or negotiating contracts with external companies or suppliers.

6.10   In addition to this policy, professionally registered employees must also observe and adhere to the requirements of their professional code of conduct when it comes to maintaining professional boundaries.

7   Procedure for declaration

7.1   The line manager must:

- deal with any declaration sensitively
- maintain confidentiality at all times and
- only inform others on a 'need to know' basis.

7.2   Employees must also abide by their own professional body's code of conduct in respect of declaring a relationship.

8   Breach of the policy

8.1   An employee not declaring a personal relationship as per the terms of this policy or failing to maintain clear professional boundaries, risks compromising their role and responsibilities, and/or a claim of professional/personal misconduct. This could also affect the credibility and reputation of other members of staff, and the Trust.

8.2   A breach of this policy may lead to action under the Trust's Disciplinary Policy and Procedure.

9 Training

Training will be provided by the Human Resources department to managers following implementation of the policy.

10 Equality and diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

11 Monitoring compliance with the policy

Standard / Process / Issue	Monitoring and Audit			
	Method	By	Committee	Frequency
Monitoring will include reporting of information from ESR to ascertain the number of investigations conducted as a result of a breach of this policy	Reporting of information from ESR	Director of Human Resources	Heads of Human Resources Meeting	Annually

12 Consultation and review of this policy

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group

13 Implementation of the policy (including raising awareness)

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources department.

14 Additional documents

- Disciplinary Policy and Procedure
- Email and Electronic Communications Policy
- Social Media Policy
- Standards of Business Conduct Policy

The Newcastle upon Tyne Hospitals NHS Foundation Trust

Equality Analysis   Form A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

PART 1

1. **Assessment Date:** | 08/04/2016 |

2. **Name of policy / strategy / service**:
    | Maintaining Professional Boundaries |

3. **Name and designation of Author:**
    | Karen Pearce, Senior HR Manager (Projects) |

4. **Names & designations of those involved in the impact analysis screening process:**
    | Karen Pearce, Senior HR Manager (Projects), EPPCG |

5. **Is this a:**   Policy [X]   Strategy [ ]   Service [ ]

    Is this: New [ ]   Revised [X]

    Who is affected   Employees [X]   Service Users [ ]   Wider Community [ ]

6. **What are the main aims, objectives of the policy, strategy, or service and the intended outcomes?** *(These can be cut and pasted from your policy)*
    | To ensure Trust business is conducted in a professional and proper manner it is necessary to recognise and give guidance regarding personal and professional relationships between employees and patients and relationships between colleagues as these may overlap. |

7. **Does this policy, strategy, or service have any equality implications?**   **Yes** [X] **No** [ ]

    If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:
    | |

8. Summary of evidence related to protected characteristics

Protected Characteristic	Evidence, i.e. What evidence do you have that the Trust is meeting the needs of people in various protected Groups	Does evidence/engagement highlight areas of direct or indirect discrimination? If yes describe steps to be taken to address *(by whom, completion date and review date)*	Does the evidence highlight any areas to advance opportunities or foster good relations. If yes what steps will be taken? *(by whom, completion date and review date)*
Race / Ethnic origin (including gypsies and travellers)	The policy includes a statement that the Trust is committed to ensuring that, as far as is reasonably practicable, the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds.		
Sex (male/ female)	As above		
Religion and Belief	As above		
Sexual orientation including lesbian, gay and bisexual people	As above	Evidence has shown that some LGB people feel they can't be open about their sexuality and therefore the requirements to disclose a romantic relationship may cause some distress to an individual who is in a same-sex relationship. The requirements of the policy are the same for all staff in heterosexual, same-sex and family relationships and therefore LGB staff are not treated differently. Work is underway within the Trust to improve organisational culture via Stonewall membership, EDS, and E&D action plans It is also clear in the policy that declarations will be treated in the strictest of confidence which will provide reassurance to all staff that their disclosure is only to their line manager.	
Age	As above		
Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section	As above		
Gender Re-assignment	As above		
Marriage and Civil Partnership	As above		
Maternity / Pregnancy	As above		

9. Are there any gaps in the evidence outlined above? If 'yes' how will these be rectified?

No

10. **Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.**

    Do you require further engagement?   Yes ☐   No ☒

11. **Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?**

No – all information will be treated in the strictest confidence

PART 2

Name:

Karen Pearce

Date of completion:

8/4/2016

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)