

PERSONAL RELATIONSHIPS AT WORK POLICY

		POLICY
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Sponsor (Position)	Executive Director of Human Resources and OD	
Author (Position & Name)	Head of Operational HR	
Lead Division/ Directorate	Corporate	
Lead Specialty/ Service/ Department	Human Resources	
Position of Person able to provide Further Guidance/Information	Head of Operational HR	
Associated Documents/ Information		Date Associated Documents/ Information was reviewed
1.Disciplinary Policy 2. Grievance Policy 3. Raising Concerns Policy 4. Managing Work Related Stress Policy 5. Dignity at Work Policy 6. Conflict of Interest Policy		November 2019 April 2021 March 2020 June 2018 March 2021 June 2019

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APPENDICIES

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1.0 INTRODUCTION

This policy provides information, advice and guidance to managers and employees regarding acceptable professional and personal boundaries involving personal relationships between individuals who work together. This is in order to avoid actual or potential conflicts of interest, misuse of authority or more or less favourable treatment.

2.0 POLICY STATEMENT

Employees must not allow a personal relationship with a colleague to influence their conduct at work. Employees are expected to declare any personal relationships at work which may fall under this policy.

This policy sets out the Trusts expectations concerning personal and professional boundaries at work and the management of personal relationships at work.

The Trust does not take a wholly prohibitive approach to personal relationships at work as it is recognised that these are inevitable as the Trust is a large local employer. However, this policy seeks to ensure that such relationships are declared, are transparent and do not give rise to more or less favourable treatment.

This policy provides clear guidance to employees and managers as to their responsibilities to ensure that issues arising from or involving personal relationships at work are dealt with promptly, sensitively and effectively. By adhering to this policy, employees with personal relationships at work are more able to protect themselves from potential criticism.

3.0 DEFINITIONS/ ABBREVIATIONS

Personal relationships for the purpose of this policy are deemed to include:

- Family relationships e.g. brother, sister, daughter, son, mother, father and also being related by marriage or civil partnership e.g. brother-in law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in law, step children or parents etc
- Married partners, co-habiting partners and civil union partnerships
- A business/commercial/financial relationship
- Sexual/intimate relationships
- A close friend

A personal relationship can be with an existing or prospective employee, a volunteer, a contractor or supplier, a Non-Executive Director, Governor, or employee of a related organisation with whom an employee interacts regularly as a result of their employment.

The above definitions are examples of personal relationships which may give rise to conflicts of interest in the workplace. However, personal relationships are not restricted to these examples.

4.0 ROLES AND RESPONSIBILITIES

Managers

- Will be responsible for ensuring that they are familiar with this policy and procedures contained within it.
- Are responsible for promoting a culture of openness and transparency regarding personal relationships at work.

Employees

- Will be individually responsible for ensuring that any personal relationship at work does not interfere with their duties and responsibilities and does not give rise to a conflict of interest, abuse of power or more or less favourable treatment.
- Are asked to work positively with the Trust to accommodate any reasonable changes to their work arrangements that are required in order to avoid potential conflicts of interest through personal relationships at work.

Human Resources

The Human Resources Department is responsible for:

- Providing support and guidance to employees and managers on the implementation and application of this policy.

5.0 APPROVAL

This policy document was approved at the Trusts Joint Staff Partnership Forum.

6.0 DOCUMENT REQUIREMENTS

This policy applies to all employees of the Trust and in addition to Non-Executive Directors; Governors; locums, agency staff, volunteers, students, contractors and employees of other organisations that provide services to the Trust.

It also applies to job applicants in the recruitment process. Job applicants will be required to declare on their application any personal relationships which may cause a conflict of interest.

The Trusts approach to personal relationships at work

In any large organisation it is likely that some employees will be related to one another or develop a personal relationship, and, if they are in a close working relationship in the same workplace, the potential for conflict between personal/family loyalty and work responsibilities may arise.

Most social and personal relationships at work need not present a difficulty, and can be entirely beneficial in that they promote good working relationships. However, it is recognised that there will be particular circumstances where the employees concerned will need to withdraw from certain decisions or from undertaking certain roles, in order to protect themselves and the Trust from any possible criticism of unfair bias.

Whilst it is not the Trust's intention to infringe upon the private lives of its employees, it does expect that all employees (and others within the scope of this policy) should conduct themselves at all times in ways that are consistent with trust values and with fairness and impartiality. In particular, the recruitment, selection, treatment, rostering, development and promotion of staff should be based solely on evidence and not be in any way affected by personal relationships at work.

Due to this, the Trust expects personal relationships involving direct line management to be avoided where possible.

Where personal relationships occur between employees, it is the responsibility of both individuals to avoid any actual or potential conflicts of interest or favouritism.

Identifying and declaring a personal relationship at work

Employees should declare to their line manager any existing or new personal relationship they have which could fall within this policy. That is one which may give rise to an actual or potential conflict of interest, abuse of power or more or less favourable treatment.

The line manager will treat these matters in confidence and in consultation with the employees, find ways in which these potential conflicts can be avoided. It is recommended that discussions with Human Resources take place to establish a suitable approach.

In the interests of transparency, consideration should be given as to whether or not it would be beneficial to inform colleagues of the existence of the personal relationship. However, as a general rule, all declarations of personal relationships should be treated in confidence, unless all the individuals involved in the personal relationship agree to make it public.

If it is agreed that the personal relationship will be made public, the best way of doing this should be discussed, which may involve the line manager, or those in the personal relationship informing others.

Declarations of personal relationships should be recorded in writing and placed on the employees Personal File. It is recommended that any declaration is reviewed annually or sooner if circumstances change.

Employees who declare a personal relationship at work, should be treated fairly and not suffer any detriment.

Employees who are uncertain about whether they need to declare a personal relationship may discuss the matter in confidence with their line manager or HR. Generally, they will be advised

to declare the relationship where there is likely to be any risk of a potential conflict of interest, abuse of power or more or less favourable treatment.

Where a personal relationship, or failure to comply with this policy (following investigation), results in an unfair advantage or disadvantage to either of the parties to the relationship, favouritism or bias, the matter will be considered seriously by the Trust.

It is any negative impact on work, resulting favouritism or the failure to declare a personal relationship that would cause the Trust's Disciplinary Policy to be applied, not the personal relationship itself.

Personal relationships between employees where there is no line management relationship

This type of personal relationship at work does not of itself constitute a difficulty. However, employees are expected to conduct themselves in a professional manner.

A personal relationship, particularly between two employees working in the same team or in close contact, may have an adverse effect on their own and/or their colleagues' work. This could include parties communicating confidential information to each other which is not a necessary part of their work; behaving in a way which may cause difficulty or embarrassment to others, e.g. arguing in the workplace; ignoring, excluding or isolating colleagues; not communicating with each other as the result of a disagreement or the break-up of a relationship and inflexibility in working arrangements. (This is not an exhaustive list)

In establishing whether there is a potential conflict of interest, managers may wish to consider the following:

- Are any employees likely to be made uncomfortable in their dealings with either employee because of the existence of a known personal relationship?
- Is a personal relationship seen to offer advantage to an employee and disadvantage to another by them feeling excluded from the relationship?
- Is the relationship potentially interfering with the professional provision of Trust services?
- Is the relationship potentially having a negative effect on the workings of a team?

Where there is evidence that a conflict of interest, breach of confidentiality or unfair advantage / disadvantage may occur as a result of employees with personal relationships working within the same area, the manager to whom the personal relationship has been disclosed may wish to consider an alternative arrangement, e.g. a change in reporting arrangements, or duties within a team; one party being moved to another area of work or work location.

All such matters should be considered in confidence, in discussion with the employees in the personal relationship. Managers are recommended to speak with Human Resources prior to a discussion taking place. In all instances any changes should be of equal status and with the agreement of the individuals affected.

Personal relationships at work involving line management, a supervisory role or a more senior position with direct influence on that work area.

In order to avoid any actual or potential conflict of interest, abuse of power or favouritism, employees who are in a line management or supervisory role, or in a more senior position with direct influence on that work area, should not be involved in:

- the appraisal, promotion or discipline or any other management activity or process (such as rostering or approval of time off) involving an employee with whom they have a personal relationship (whether declared or not);
- the authorisation of any financial payments/decisions relating to financial matters e.g. timesheets, fees payments, expense claims, salary changes or allocation of external funding for an employee with whom they have a personal relationship (whether declared or not). However, if the person is the budget holder then they should see the financial transaction but have additional independent authorisation.

Where agreement to alterations that would mitigate the risk of a conflict of interest, favouritism or an abuse of power cannot be reached, the employees involved in the personal relationship should be advised in writing that should any proven favouritism, disadvantage, abuse of power or bias result from the personal relationship, either between the parties to the personal relationship or with other staff, the matter will be considered to be very serious by the Trust and the disciplinary procedure may be invoked.

Employees, who are in a line management or supervisory role, or in a more senior position with direct influence on that work area, should not normally be involved in any way in the recruitment, selection or appointment of any applicant with whom they have a personal relationship (whether declared or not).

Where it is not practical to remove a member of staff from the recruitment process, all panel members should be made aware of the personal relationship and every panel decision should be justified as fair and equitable, without bias or conflict of interest. On such occasions the Recruitment Department should be approached to find a neutral, alternative panel member for the selection process.

Personal relationships with contractors

As required by the Declaration of Interest and Standards of Business Conduct Policy no special favour should be shown in the tendering process to business run by or employing, friends, partners or relatives. If an employee is asked to participate in the tendering process, for example, by providing expert advice, they should declare any such relationships and they will not form part of the tendering process or decision making.

A personal relationship between an employee and a contractor is not acceptable if it involves an abuse of the employee's position of trust; a breach of the standards of propriety expected in the post; a compromise of professional standards or a conflict of interest.

Job evaluation/promotion/pay

Employees must not be involved in the authorisation or evaluation of any job description for another employee with whom they have a personal relationship and are expected to declare any such interest immediately if they are approached to participate in the job evaluation process. They should not be involved in any decisions relating to the promotion or pay of another employee with whom they have a personal relationship.

At the commencement of each job evaluation / banding panel, a “declaration of interest” will be taken and recorded. Each panel member signs a declaration form prior to commencing as a panel member which is then applicable across the process.

Disciplinary/grievance Issues

Employees should declare a potential conflict of interest as soon as they are approached to participate in such proceedings as either a witness, Investigating Officer, or Case Manager.

Employees must not be (save potentially as a witness with the caveat of impartiality) involved in any investigation, hearing or other disciplinary or grievance related decisions involving another employee with whom they have a personal relationship.

In situations when one employee in a personal relationship is subject to investigation under Trust procedures such as disciplinary or grievance, consideration should be given to the temporary redeployment of the other party in the personal 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.

Where issues arise that involve one employee in a personal relationship any discussions will remain confidential to that employee. The other employee in the personal relationship may attend any meetings to provide support but may not intervene, speak on behalf of or represent the other party.

At the commencement of formal hearings / appeals, a “declaration of interest” will be taken and recorded. Each witness will also be asked for such a declaration.

Recruitment and selection

Job applicants including internal applicants are required to declare any relationships with Trust employees on their job application form.

If an employee is involved in a recruitment and selection process and realises that there is an application from someone with whom they have a personal relationship, they must declare an interest to their line manager and withdraw from the process immediately.

They must not be involved in any aspect of the recruitment process including shortlisting or selection.

At the commencement of every selection interview, a “declaration of interest” from the panel regarding the candidate should be taken and recorded

An employee who has a personal relationship with another should not act as a Trust referee for that person for both internal and external positions. However, they may act as a referee in a personal capacity, providing the reference make it clear that it is not a Trust reference.

Personal relationship breakdowns

If the personal relationship breaks down, all involved employees should ensure that no acts that could be interpreted as arguments or disagreements occur at work. Such employees are encouraged to discuss the situation with their line manager/s.

The employees should ensure that their personal relationship breakdown does not bring the reputation of the Trust into disrepute. An example of a breach of this would be if an employee deliberately damaged a former partner's property, even outside of working hours. Any other behaviour that could, or did lead to a prosecution by the police would fall into this category.

Employees are reminded that if they are suffering from emotional stress from a personal relationship breakdown (regardless of whether it was a personal relationship at work) they may access the Trust Occupational Health / counselling services for support.

Raising concerns about personal relationships at work

Any employee who feels that the personal relationship of other team members or colleagues is adversely affecting their employment, the functioning of the team or the provision of services is encouraged to share their concerns with their line manager or a more senior manager.

Where an employee is not comfortable with these options, they may consider raising their concerns with the Human Resources Department or with a Freedom to Speak Up Guardian.

Alternatively they may formally raise matters under the Trust's policies, such as Grievance; Freedom to Speak Up: Raising concerns at work (whistleblowing policy) or NHS Counter Fraud.

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

Confidentiality and Transparency

The Trust wishes to encourage transparency with regard to personal relationships at work in order to protect those involved, colleague and the Trust. Therefore employees are asked to carefully consider the option of making such personal relationships public.

However, it is accepted that this is not always the preference of the parties involved. In those instances, wherever possible confidentiality regarding the existence of the personal relationship will be maintained. However, should disclosure to other parties prove necessary then a disclosure will be made following consultation with the line manager, the employees concerned, the Human Resources Department and Information Governance.

If alternative working practices or patterns are to be implemented, then it may be necessary to inform other members of the team about these arrangements and the reasons for them.

Personal Relationships with Patients/Service Users

The Trust has a duty of care to all patients/service users. Employees must not engage in personal relationships with patients/service users that they have met as a result of their employment.

It is the responsibility of the employee to maintain each relationship within its own appropriate boundary. Employees may experience vulnerable patients disclosing intimate or personal matters, which allow potential for these discussions to be misinterpreted. Employees are reminded to conduct themselves appropriately.

If an employee becomes subject to inappropriate comments or behaviours from a patient/service user, they must inform their line manager immediately.

In a large organisation, it is recognised that some employees may have pre-existing personal relationships with individuals who may at some point become patients/service users, for example relatives, friendships etc. If this occurs, the employee must inform their line manager immediately of this relationship.

If someone that an employee knows becomes a patient/service user, it is the employees responsibility to inform their line manager of this relationship. At this time, consideration will be given as to whether there any potential boundary conflicts.

Each case will be assessed individually and appropriate action will be taken. This action may include the patient being treated by another clinician, the placement of employee in an alternative ward/area for the duration of the patients treatment etc. Please be aware this is not an exhaustive list and action appropriate to the situation will be taken.

The employee must not access any patient records of those they share a close relationship with without approval from their line manager. This will be considered a non-authorised access to records and may result in action taken in line with the Trust's Disciplinary Policy.

If an employee becomes concerned that a personal relationship is developing between a colleague and a patient/service user, they have a responsibility to inform their line manager or more senior manager.

Where an employee is not comfortable with these options, they may consider raising their concerns with the Human Resources Department or with a Freedom to Speak Up Guardian.

Alternatively they may formally raise matters under the Trust's policies, such as Grievance; Freedom to Speak Up: Raising concerns at work (whistleblowing policy) or NHS Counter Fraud.

Breaches of policy

Alleged breaches of this policy will be investigated under the Trust Disciplinary Policy

7.0 MONITORING COMPLIANCE AND EFFECTIVENESS

Minimum Requirement to be Monitored (WHAT – element of compliance or effectiveness within the document will be monitored)	Responsible Individual (WHO – is going to monitor this element)	Process for Monitoring e.g. Audit (HOW – will this element be monitored (method used))	Frequency of Monitoring (WHEN – will this element be monitored (frequency/ how often))	Responsible Individual or Committee/ Group for Review of Results (WHERE – Which individual/ committee or group will this be reported to, in what format (eg verbal, formal report etc) and by who)
Policy Implementation	Head of Operational HR	Audit	Quarterly	Joint Staff Partnership Forum

8.0 TRAINING AND IMPLEMENTATION

There are no specific training needs in relation to this policy, but Appointing Officers and Line Managers will need to be familiar with its contents as well as any other individual or group with a responsibility for implementing the contents of this policy.

As a Trust policy, all employees need to be aware of the key points that the policy covers. Employees can be made aware through a variety of means such as;

- Local Induction
- Team Brief
- One to one meetings / Supervision

If you would like any correspondence or information in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let us know.

You can call us on 01623 622515 extension 3271 or email: sfh-tr.hr.enquires@nhs.net

9.0 IMPACT ASSESSMENTS

- This document has been subject to an Equality Impact Assessment, see completed form at Appendix A
- This document is not subject to an Environmental Impact Assessment

10.0 EVIDENCE BASE (Relevant Legislation/ National Guidance) AND RELATED SFHFT DOCUMENTS

Evidence Base:

- Contract of Employment

Related SFHFT Documents:

1. Disciplinary Policy
2. Grievance Policy
3. Raising Concerns Policy
4. Managing Work Related Stress Policy
5. Dignity at Work Policy
6. Conflict of Interest Policy

11.0 APPENDICES

- Equality Impact Assessment Appendix A

APPENDIX A - EQUALITY IMPACT ASSESSMENT FORM (EQIA)

Name of service/policy/procedure being reviewed: Relationships at Work Policy			
New or existing service/policy/procedure: NEW			
Date of Assessment: 10.06.2020			
For the service/policy/procedure and its implementation answer the questions a – c below against each characteristic (if relevant consider breaking the policy or implementation down into areas)			
Protected Characteristic	a) Using data and supporting information, what issues, needs or barriers could the protected characteristic groups' experience? For example, are there any known health inequality or access issues to consider?	b) What is already in place in the policy or its implementation to address any inequalities or barriers to access including under representation at clinics, screening?	c) Please state any barriers that still need to be addressed and any proposed actions to eliminate inequality
The area of policy or its implementation being assessed:			
Race and Ethnicity	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Gender	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Age	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Religion	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Disability	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Sexuality	The policy when applied correctly gives no	Clearly identifies roles and responsibilities.	None

	potential for disadvantage		
Pregnancy and Maternity	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Gender Reassignment	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Marriage and Civil Partnership	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
Socio-Economic Factors (i.e. living in a poorer neighbourhood / social deprivation)	The policy when applied correctly gives no potential for disadvantage	Clearly identifies roles and responsibilities.	None
What consultation with protected characteristic groups including patient groups have you carried out?			
Consultant with JSPF Sub group full JSPF			
What data or information did you use in support of this EqlA?			
Looked at policies for Working Relationships in the NHS			
As far as you are aware are there any Human Rights issues be taken into account such as arising from surveys, questionnaires, comments, concerns, complaints or compliments? No			

<p>Level of impact</p> <p>From the information provided above and following EQIA guidance document Guidance on how to complete an EIA (click here), please indicate the perceived level of impact:</p> <p>Low Level of Impact</p> <p>For high or medium levels of impact, please forward a copy of this form to the HR Secretaries for inclusion at the next Diversity and Inclusivity meeting</p>
<p>Name of Responsible Person undertaking this assessment: Head of Operational HR</p>
<p>Signature: DA Lister</p>
<p>Date: 10.06.2020</p>