

<b>Managing personal relationships in the workplace</b>	
<b>Author (s)</b>	Senior HR Manager
<b>Corporate Lead</b>	Director of Workforce
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## **Executive summary**

This policy applies to all staff irrespective of their Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual orientation.

This Policy sets out Leeds Community Healthcare (LCH) NHS Trust's stance on the management of personal relationships at work.

This Policy applies to **all** employees of LCH including Medical and Dental staff.

This Policy has been drafted to comply with best practice and should be read together with other complementary Trust policies and procedures.

This Policy has been developed in consultation with Staffside and management representatives.

This Policy may be reviewed at the request of management or Staffside by giving four weeks' written notice to the Director of Workforce with reasons for the review.

## **Equality Analysis**

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims, Equality Analysis has been

undertaken on this policy and any outcomes have been considered in the development of this policy.

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## **1. Introduction**

The Trust recognises the importance of preserving the integrity of professional relationships between members of staff.

Whilst most social and personal relationships need not present a difficulty, it is recognised that there will be particular circumstances where the staff member(s) 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 unfairness or bias. For example, this means staff in personal relationships working in posts which could have direct line management involvement or responsibilities for appointing, managing, disciplining the other party.

This Policy aims to assist managers and staff in dealing both sensitively and effectively with situations where employees have, or form a close personal relationship, with a work colleague.

## **2. Definition**

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

- A family relationship
- A business / commercial / financial relationship
- A romantic / sexual relationship

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 and therefore this should not be read as an exhaustive list.

## **3. Aims and objectives**

The aims of this Policy are to ensure that:

- The Trust can continue to value the diversity of its staff and maintain its commitment to the principles of equal opportunity
- The recruitment, selection, management, development and promotion of staff will be based solely on evidence and not be in any way affected by personal relationships at work
- Managers have a framework within which to manage personal relationship situations fairly and equitably
- All staff, whether prospective or already employed, are treated fairly and without the potential for a close personal relationship to influence

their or another employee's management or broader working relationships

NB This policy does not automatically prevent prospective / already employed staff, who have a personal relationship, from working together within the Trust.

## **4. Responsibilities**

### **4.1 Joint responsibility**

Good working relations are vital for the Trust to operate successfully and provide its essential services. Management, Staffside representatives and employees accept the responsibility of working together with the shared intention of facilitating good working relations.

Senior Managers and Staffside representatives will work in partnership to ensure consistency and fairness in the way the policy is applied to employees, addressing areas of ineffective practice as appropriate.

### **4.2 Management responsibility**

Management is required to manage and to act fairly and consistently. Management is responsible for ensuring that the policies and procedures are disseminated effectively and observed by all employees.

In cases of doubt managers can seek advice from either their line manager or a member of the Human Resources team.

### **4.3 Employees' responsibility**

Employees have a duty to comply with the policies and procedures. If an employee has any questions or concerns about policies and procedures they should raise these with their line manager or the Workforce Department

### **4.4 Union responsibility**

To liaise with the employee, their manager and Human Resources regarding the best way forward for individuals when managing personal relationships in the workplace using the guidance within this Policy / Guide (?) as appropriate.

### **4.5 Workforce responsibility**

The Workforce team will work in partnership with managers and employee representatives to provide advice and options and to ensure employees are treated fairly and consistently within the framework of this Policy.

## **5. Procedure**

## **5.1 Identifying and declaring a personal relationship at work**

- Staff should declare to their line manager any existing or new personal relationships they have with other members of staff, consultants, contractors or suppliers which may give rise to an actual or potential conflict of interest, trust or breach of confidentiality
- 
- The line manager will treat all such disclosures in confidence and, in consultation with the member of staff, explore ways in which any potential conflicts of interest can be avoided. The line manager can also contact a member of the Human Resources team for further advice but should aim, wherever possible, to keep the identities of the individuals confidential
- All declarations should be treated in confidence, recorded in writing and held, in a secure place, by the line manager. Should there be any change to the relationship in the future, the member of staff should request that the written record is destroyed
- Staff who are uncertain about whether there may be a risk of a potential conflict of interest as a result of a personal relationship at work, should discuss the matter with their line manager (or their superior if said line manager is involved in the personal relationship) in the first instance
- Where either a personal relationship as defined at 2. above, or failure to comply with this policy, results in an unfair advantage / disadvantage to either party, the matter may be referred for investigation / consideration as per the Trust's Disciplinary Policy. In these circumstances the commitment to confidence will be relaxed to allow for the sharing of information to facilitate a fair investigation but on a need to know basis

## **5.2 Personal relationships at work involving a more senior role**

- Members of staff who are in a line management or supervisory role, or in a more senior position outside the immediate management structure, should not normally be involved in any way in the recruitment, selection or appointment of any applicant with whom they have a declared personal relationship
- 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 and free from bias or conflict of interest
- Where a personal relationship exists, a prospective member of staff should not, where at all possible, be appointed into a post which results in a line management relationship with someone with whom they have a personal relationship
- If a member of staff reasonably believes that they may be personally adversely affected by a misuse of power or conflict of

interest relating to a personal relationship at work, they should raise this with their line manager in the first instance and may then seek to raise the issue under the relevant Trust policy

- If a member of staff reasonably believes that there is a possible or actual misuse of power or conflict of interest relating to a personal relationship at work involving a line manager / supervisor, they should raise this in the first instance with the next higher level of the management structure
- Where there is evidence that a conflict of interest, breach of confidentiality or unfair advantage may result from a personal relationship at work within a particular organisational structure ie Business Unit or corporate team, the manager to whom the personal relationship has been disclosed should discuss the matter with the most appropriate Head of Service / General Manager.
- The Head of Service / General Manager may wish to consider an alternative working arrangement ie change in reporting arrangements or duties, explore the feasibility of moving one party to another area of work or location
- All such matters should be considered in confidence and with the involvement of both the parties involved. If appropriate support and advice can be sought from Staffside and the Human Resources team
- In all instances, any changes to any party should, wherever reasonably possible, be of equal status and with the aim of protecting the employment of the more junior member of staff in the first instance

Without exception, members of staff who are in a line management or supervisory role, or in a more senior position outside the immediate management structure must not be involved in:

- The appraisal / performance review, promotion or discipline or any other management process involving a member of staff with whom they have a declared personal relationship
- The authorisation of any financial payments / decisions ie timesheets, expenses claims etc for a member of staff within whom they have a declared personal relationship

NB if they manager is the budget holder it may be appropriate for them to have sight of the financial transaction but have additional independent authorisation from a third party – this is something for local, management consideration and agreement

### **5.3 Personal relationships at work not involving a more senior role**

Whilst the Trust is large enough to accommodate partners and family members working across its organisational and geographical spread, some consideration needs to be given to when members of staff with personal relationships are brought into closer working contact ie with the same Department or team.

In establishing whether or not there is a potential conflict of interest, managers should consider the following:

- Are any staff reasonably being made uncomfortable in their dealings with either of the two members of staff because of the existence of a known personal relationship?
- Is the personal relationship being seen to offer an advantage to one employee and a disadvantage to another by them feeling excluded from the relationship?
- Is the relationship potentially interfering with the professional conduct of Trust business?
- Is the relationship potentially having a negative impact upon the working of a team?

Managers should also be mindful of the potential for conflict even when none is identified and work with all staff to ensure a culture of openness and transparency within the team / Department.

If a conflict of interest, breach of confidentiality etc is identified, managers should act as follows:

- Where there is evidence that a conflict of interest, breach of confidentiality or unfair advantage may result from staff with a personal relationship working within the same area, the manager to whom the personal relationship has been disclosed should discuss the matter with the most appropriate Head of Service / General Manager
- The Head of Service / General Manager may wish to consider an alternative working arrangement ie change in reporting arrangements or duties within the team/work area, explore the feasibility of moving one party to another area of work or location
- All such matters should be considered in strict confidence and with the involvement of both the parties involved, supported by Staffside if required and a member of the Human Resource team
- In all instances, any changes to any party should, wherever reasonably possible, be of equal status

## **6. Appeal against a management decision**

In the event that staff feel aggrieved by a management decision in respect of the operation of this policy they may follow the Trust Grievance Policy and Procedure and, if appropriate at a later point, the Trust's Appeals Policy.

## **7. Dissemination and implementation**

Following ratification this policy will be available to all staff via the Trust intranet site.

A short summary of its contents will also be published in Community Talk.

## **8. Review arrangements**

The policy will be reviewed three years from the ratification date as per Trust process.

**9. Associated documents**

Disciplinary Policy  
 Grievance Policy  
 Appeal Policy

**10. Appendices**

**Appendix A: Equality Analysis (EA) – Relevance Screening Form**

<b>1. Name of the document</b>	Managing personal relationships in the workplace			
<b>2. What are the main aims and objectives of the document</b>	<p>The aims of this Policy / Guide are to ensure that:</p> <ul style="list-style-type: none"> <li>• The Trust can continue to value the diversity of its staff and maintain its commitment to the principles of equal opportunity</li> <li>• The recruitment, selection, management, development and promotion of staff will be based solely on evidence and not be in any way affected by personal relationships at work</li> <li>• Managers have a framework within which to manage personal relationship situations fairly and equitably</li> <li>• All staff, whether prospective or already employed, are treated fairly and without the potential for a close personal relationship to influence their or another employee’s management or broader working relationships</li> </ul>			
<b>3. Is this a key strategic document?</b>	<b>Yes</b>		<b>No</b>	
			No	
<b>4. What impact will this</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Don’t</b>

<b>document have on the public or staff?</b>				<b>know</b>
		X	X	
<b>Explain:</b>				
Low = members of the public, Medium = staff, but whilst all staff are covered by the policy, only a small percentage will be impacted by it ie those who are involved in personal relationships at work				
<b>5. Is there any evidence, or reasons that different groups have different needs, experiences, issues and priorities in respect of this particular document?</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>	
		X		
<b>Explain:</b>				
The policy applies to all staff, regardless of any protected characteristic they may have ie all staff have the potential to be involved in personal relationships at work				

	<b>Equality Analysis</b>	<b>None</b>
<b>6. Based on the result of the screening, is an EA required?</b>		X

Ruth Davies  
Senior HR Manager

1<sup>st</sup> July 2016