

PERSONAL RELATIONSHIPS AT WORK POLICY

Introduction

The Council recognises that employees who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the Council to ensure that all employees behave in an appropriate and professional manner at work. The following principles have therefore been devised, and apply to all employees regardless of their job or level of seniority.

Examples of close personal relationship include:

- Employees or applicants who are married,
- dating,
- in a civil partnership or co-habiting 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 with whom there is a close personal relationship;
- above may exist or develop within the organisation with an elected member, contractor, client, customer or supplier.'

Whilst not all situations may raise issues there may be occasions where a perceived or actual conflict of interest exists between an employee's job or the Council and public's interests and the employee's personal interests.

The policy aims to assist managers and employees in dealing sensitively, but effectively, with situations where employees have, or form a close personal relationship, with a work colleague, contractor, client, customer or supplier.

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 the fear that a close personal relationship will influence their or other employees' treatment or broader working relationships.

Responsibilities

Directors/Assistant Directors/designated deputies

Ensuring the application of this policy within their directorate/service areas by dealing promptly and sensitively with issues involving close personal relationships at work; Maintaining confidentiality where possible; Consulting Executive Manager or Senior HR Business Partners over complex issues and if necessary instituting formal disciplinary action.

Employees

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

Take all steps that are reasonably practicable to ensure that any close personal relationship at work does not interfere or prejudice their employment. If a close personal relationship at work interferes with or prejudices their employment, this policy should be followed to resolve the situation.

People and Business Support

Reviewing and updating of the policy.

Procedure

Participation in recruitment, promotions, grievance and discipline

All applicants are required to disclose on the Council's application form if they are related to any Hastings Borough Council Councillors or Senior Officers. 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.

To avoid any accusation 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 should ensure that those appointments are made only based on merit.

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

Where there is a close personal relationship with an applicant

Between applicant and manager

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 the immediate line manager or senior reporting manager of that team or establishment, 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.

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 supervision/line management arrangements for the applicant where there are potential conflicts of interest;
- if the work of the post involves financial transactions the Council Financial Procedure should be followed to ensure the appropriate separation of duties, probity and other financial safeguards are followed;
- impact on service users or the public, including issues relating to trust and confidence and the public image of the Council.

Between applicant and colleagues

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.

It is important to ensure that any approach or actions are not unfair or discriminatory, i.e. avoid any assumption 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.

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 Executive Manager, People and Business Support or Senior HR Business Partner to ensure that such a decision is a proportionate means of achieving a legitimate aim and is not discriminatory.

Authority to appoint

Where, following consideration of all the factors, the appointing manager considers that a candidate could be appointed, despite a declared relevant relationship as defined, they must clear the appointment with their Assistant Director.

Where one party to the relationship is the Assistant Director, the necessary authority for appointment should be authorised by the Director and Executive Manager, People and Business Support.

Where the relationship in question concerns a Director, the appointment should be cleared by the Council's Monitoring Officer and the Executive Manager, People and Business Support.

To avoid questions arising later, the appointing manager is required to make a written record of the fact that the decision to appoint, despite a declared relationship, was made with appropriate authority. This record should be kept with the candidate's original application form on his/her personal file; the candidate should be made aware of this and they should be advised of why it is necessary.

Relationships formed whilst in post

Close personal relationships may form between colleagues in the same team 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.

Requirement to disclose a close personal relationship

Where a close personal relationship is formed between members of the same team whilst in post, this should be disclosed, in confidence, to the Assistant Director or Director where appropriate, by the employees concerned. This disclosure should be recorded on the employee's personal file.

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.

Factors for consideration when a relationship forms whilst in post

The following issues should be considered where a close personal relationship develops within a working relationship, for example between the manager and team member, between team members or an inter team relationship:

- shift or 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, including issues relating to trust and confidence and the public image of the Council;
- consider if it is appropriate to communicate such agreed adjustments etc to other colleagues in the team/workplace to manage any concerns.

The following issues should be considered in the context of a close personal relationship developing between a manager and team member:

- making alternative supervision/line management arrangement of the team member for issues involving a potential conflict of interest including 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 team/workplace to manage any concerns;

Expectations should be clearly defined and managed as appropriate.

In order to avoid a situation in which an employee has managerial authority over another with whom he/she is having a close personal relationship, the organisation reserves the right to elect to transfer one or both of the employees involved in the relationship to a job in another department/section. In these circumstances, the organisation will consult both of the employees and seek to reach a satisfactory agreement regarding the transfer of one or both of them.

When considering such an issue there should be no assumptions made, on gender, status/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.

A Senior HR Business Partner can assist with this process where required and reference should be made to the restructuring, redundancy and redeployment policy.

In such a situation, if it is not possible to transfer at least one of the employees (for example if no suitable vacancies exist, or if an employee refuses to transfer), the organisation reserves the right to dismiss one or both employees (with notice in accordance with the employee's contract, or pay in lieu of notice). Dismissal would, however, be undertaken only as a last resort in circumstances where no other course of action was reasonably open to the organisation.

When a relationship breaks down

There may be occasions when a relationship as previously defined, breaks down and the individuals concerned remain in the same team, or service area with a potential impact on team relationships and service delivery. In such cases, use of the Council's Employee Assistance Provider 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.

A Senior HR Business Partner can assist with this process where required and reference should be made to the [Restructuring, redundancy and redeployment policy](#). This may, ultimately, in some cases need to involve exploring with the parties the scope for transfer of one or both of them.

Domestic abuse guidance

Hastings Borough Council has a zero tolerance approach in respect of violence or abuse towards its employees, including domestic abuse, and will ensure the provision of caring and non-judgemental support for those who suffer it. The [Domestic violence policy](#) provides information about how to support employees experiencing domestic abuse.

Transfer of employees

Should it be necessary, in the interests of the service, to consider the transfer of an employee every effort should be made to ensure that they are moved to comparable alternative employment in line with the Council's Redeployment procedure.

Other colleagues affected by a close personal relationship

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 senior manager, assistant director or Senior HR Business Partner to explain their concerns.

Conduct or performance issues

As with any employee, significant conduct or performance issues may need to be dealt with, where appropriate, under the Council's Disciplinary or Capability procedures. Much would depend on the nature and degree of the issue concerned or whether alternative approaches as outlined in this policy would be more appropriate or effective.

Use of confidential and private information

Employees may acquire information that has not been made public and is still confidential. It is a betrayal of trust to breach such confidences. Employees should never use or disclose such confidential information to anyone that they are in a personal relationship with for personal gain. The information should also not be to the disadvantage or the discredit of the council or anyone else. Equally, employees should always observe the provisions of the Data Protection Act 1998 and the Council's Access to Personal Information.

Relationships with Councillors

Maintaining mutual respect between employees and councillors is essential to a good local government. It is expected that you will act with complete impartiality and equality to Councillors of all parties and that both you and Councillors will act professionally in all matters when discussing or working on Council business.

Close personal familiarity between employees and individual Councillors can damage this relationship and prove embarrassing to other employees and Councillors. It should therefore, be avoided wherever possible. However if such a relationship occurs it should be declared, in confidence whether to your Head of Service or Director. A decision can then be taken about whether the relationship has implications for the type of work undertaken by the Councillor.

Relationships with contractors or potential contractors

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 Assistant Director or Director if they themselves are an Assistant Director.

Further Information

For further information and guidance, managers should contact a Senior HR representative.