

# **RELATIONSHIPS AT WORK (H15)**

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| Disciplinary Policy (H1)                      |                    |                          |           |
| Acceptable Behaviour Policy (H4)              |                    |                          |           |
| Organisational Change Policy (H29)            |                    |                          |           |
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### Amendment History

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## 1 Policy Statement

- 1.1 Torbay and South Devon NHS Foundation Trust (hereafter referred to as the Trust) recognises that employees who work together may form personal friendships and in some cases personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the Trust to ensure that all employees behave in an appropriate and professional manner at work.
- 1.2 This policy concerns the appointment, treatment and promotion of Trust employees where they are related or are in a close friendship or relationship with other Trust employees/potential employees.
- 1.3 In most circumstances the employment of partners or close relatives or personal relationships in a large organisation is of little or no significance. However, there are limited circumstances where it is of significance and consequently, where serious difficulties could arise. This will apply where there is a possibility of partners or close relatives working in posts which have a direct line management relationship, such that one would be involved in appointing, managing, appraising, disciplining etc., the other. This will also apply where both would be members of a management or clinical group with corporate responsibilities. It could also apply where both work in the same department, even though there is no line management relationship.

## 2 Purpose

- 2.1 The purpose of this policy is to:
- Minimise the possibility of allegations of nepotism and/or preferential treatment.
  - Ensure that prospective and existing members of staff are treated fairly.
  - Ensure the Trust maintains its commitment to the principles of equal opportunity.

## 3 Scope

- 3.1 This policy applies to all staff employed by the Trust, together with those on a joint contract with the organisation and another employer.
- 3.2 Although not employees of the Trust, bank staff, agency staff and outside contractors will be required to comply with the policy.

## 4 Equality and Diversity Statement

- 4.1 The Trust are committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the

Trusts will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis. For more information about equality analysis and Equality Impact Assessments please refer to the Equality Analysis Procedure.

## **5 Roles and Responsibilities**

### **5.1 Employees are Responsible for:**

- Declaring to their line manager any close relationship/friendship with another employee working in the same department. If the person you are related to or that you have a close personal relationship with is your manager then you/your partner need to approach their manager. If they are not in a line management relationship with you, but nevertheless work in the same department and could be perceived to provide preferential treatment to you, both you and they should discuss with your respective managers.
- Ensuring that if they are involved in a close personal relationship with a colleague, contractor or supplier that they do not allow that relationship to influence his/her conduct at work.
- Declaring to their line manager if a partner/relative/friend seeks to apply for a post within the same department or where the position may cause a conflict of interest.

### **5.2 Managers are Responsible for:**

- Treating any declaration of a personal relationship in confidence and on a 'need to know' basis.
- Where the relationship is between a manager and an employee he/she manages, that the declaration is recorded on the personal files of both employees. They should also discuss with their more senior manager.
- Where there is no direct management relationship, but they work in the same department and could nevertheless be seen to be giving preferential treatment, to discuss the implications with their more senior line manager.
- To deal promptly and fairly with any instance of unfavourable treatment of one employee by another, for example where a relationship breaks down or comes to an end.
- Address any concerns caused by a close relationship/friendship in line with the policy.

### 5.3 **People Hub team are Responsible for:**

- Advising managers on the implementation of this policy.

### 5.4 **Trade Unions are Responsible for:**

- Providing members with support and advice on the policy.

## 6 **Definitions**

### 6.1 For the purposes of this policy, a relative or close friend includes:

- Husband and wife
- Partner/co-habitees
- Parents, including in-laws
- Children, including step children
- Brother and/or sister
- Grandparents and grandchildren
- Aunts, uncles, cousins

### 6.2 A close friend is anyone who you may have a particularly close relationship with, not just a partner or co-habitee.

## 7 **Personal Relationships in the Workplace**

### 7.1 Whilst the Trust does not wish to interfere with employees' personal lives or relationships, it may nevertheless be appropriate and necessary for a line manager to:

- Prevent two members of staff in a close relationship from working together where one has managerial or supervisory authority over the other;
- Be informed if two colleagues working together form a romantic relationship;
- Seek, where necessary for the smooth running of the service to transfer one or both of the employees involved in a personal relationship, so as to prevent their working together; and
- Ensure that all employees behave in an appropriate and professional manner whilst at work.

### 7.2 If a line manager has reasonable grounds to believe that two employees have formed a close personal relationship with each other, that has a potential impact on the workplace and this has not already been disclosed, the manager should approach each of the employees privately to ask them whether or not this is the case.

### 7.3 Where two employees work together in the same department or service, it does not follow that problems will inevitably arise and the line manager should not seek to interfere, except in circumstances where one of the two employees concerned has some sort of authority or influence over the other.

## 8 Responding to Personal Relationships in the Workplace

8.1 When a line manager learns of a personal relationship involving employees that would:

- Affect direct line management relationships
- Be perceived as providing an unfair advantage as a result of the overlap of personal and professional relationship
- Compromise confidentiality/reporting arrangements

They should seek to:

- a. Discuss the employment relationship and the potential difficulties that could arise out of a potential conflict of loyalty and/or interest. This can be done with the individuals separately or together. Managers may find it useful to seek advice prior to this discussion with their manager or the People Hub team.
- b. Discuss and determine the appropriate steps to take, to eliminate and avoid conflict of interest. The actions should not unreasonably disadvantage either member of staff.
- c. Discuss privacy concerns and appropriate confidentiality, including whether it is necessary to inform anyone else of any changes made to the employment relationship.
- d. All discussions should be documented as follows:
  - Information received from the individuals
  - Potential conflicts discussed
  - Steps taken to avoid or eliminate conflicts
  - Details of any review period
  - Details of any disclosures which were made to other managers.

## 9 Redeployment and/or Changes to Responsibilities

9.1 Where it is established that a personal relationship exists between two colleagues in circumstances where one manages or supervises the other or where both are members of a management or clinical group with corporate responsibilities, the line manager may wish to consider:

- Changing reporting structures and/or
- Changing job responsibilities
- Transfer to other suitable alternative employment

9.2 In these circumstances both employees should be consulted with individually with a view to reaching a satisfactory agreement to avoid people with a close personal relationship working in the same direct line of management.

- 9.3 Similarly, a line manager might seek to take appropriate action where an employee is involved in a personal relationship with a service user, contractor or supplier, if it reasonably seems to the manager that this relationship might lead to difficulties for the Trust or any of its employees.
- 9.4 The Trust reserves the right to redeploy either one or both members of staff in the relationship where it is in the best interests of the service. It will be for the Trust to determine which individual will be redeployed following discussions with both parties.
- 9.5 Where an individual is subject to redeployment this will be in accordance with the Trust's Organisational Change Policy (H29).

## **10 Dealing with Inappropriate Behaviour**

- 10.1 If a manager observes, or is made aware of inappropriate behaviour at work between two employees who have a personal relationship, the matter should be dealt with sensitively but firmly.
- 10.2 Any minor incidents should be dealt with by the manager holding an informal discussion with the employees concerned to remind them that overt personal behaviour at work is not acceptable and to ask them to refrain from such behaviour in the future.
- 10.3 The manager should focus on the facts and provide examples of things the employees have said or done and point out why these are inappropriate in a work context. This should include an explanation as to how the particular behaviour came across, or how it affected others.
- 10.4 Informal discussions of this nature should be documented in a file note and retained on the individuals personal files.
- 10.5 If the behaviour continues it may be necessary to deal with the matter under the Trust's Acceptable Behaviour Policy (H4).

## **11 Breakdown of Relationships**

- 11.1 Particular problems can arise when a personal relationship between two colleagues breaks down. Managers should be alert to this and deal with any issues appropriately and sensitively.
- 11.2 Examples of problems that may arise include:
- The employees refusing to speak to one another or refusing to co-operate in work matters;
  - One employee displaying negative behaviour towards the other;
  - One employee raising unwarranted grievance against the other;
  - Unacceptable Behaviour which can take many forms.



- 11.3 Whilst, managers should not assume that such problems will be inevitable, they should be alert to the possibility, monitor the situation and in the event that a problem does arise, seek to address it promptly. This should be achieved by holding an informal meeting with the employee concerned to advise him/her that, whatever his/her personal feelings towards the other person, all working relationships must continue to be conducted in a professional manner, and that the employee must continue to communicate and cooperate fully with the other employee in all respects.
- 11.4 Informal discussions of this nature should be documented in a file note and retained on the individual's personal file.
- 11.5 If the behaviour continues it may be necessary to deal with the matter under the Trust's Acceptable Behaviour Policy (H4).

## **12 Recruitment of Relatives/Partners/Close Friends**

- 12.1 The Trust's sole concern, in such appointments as in all others, is that the individual selected is demonstrably the best candidate for the position and the employment decision is based on the individual's knowledge, skill and experience.
- 12.2 If you are an appointing manager or an interview panel member and a close relative/partner or friend applies for the post you must declare an interest and withdraw from the process. It is your responsibility to discuss with your relative/partner/friend the implications of this policy and you must make your manager aware of the application.
- 12.3 If you are an employee and you are aware that a relative/partner/friend may be applying for the post you must also make your manager aware of the application.
- 12.4 Trust employees with the close relationship are not permitted to participate in any way in the recruiting, promoting, termination, salary, performance evaluations of contractual decisions concerning the employment of a relative/partner/friend.
- 12.5 Any individual who makes an unauthorised offer of employment or significant change in the conditions of employment involving a relative/partner/friend assumes responsibility for any liabilities and expenses which may arise out of that action. They may also be subject to disciplinary action under the Disciplinary Policy (H1).

## **13 Training and Awareness**

- 13.1 Advice and support will be provided by the People Hub team to support staff and managers in adhering to this policy and their understanding of dealing with relationships at work.
- 13.2 The People Hub team will raise awareness of this policy through the publication of information on iCare and Contact and to advise staff of changes to the policy through the staff bulletin and ratification processes.

## **14 Contact Details**

14.1 Any queries regarding this policy should be directed to the People Hub Team within the People Directorate.

- People Hub Advice Line – 01803 655754 (ext. 55754) or
- Email - [tsdft.humanresources@nhs.net](mailto:tsdft.humanresources@nhs.net)

## **15 Monitoring, Audit and Review Procedures**

15.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.