



Close Personal Relationships Policy

1. The Aim of this Policy

This Policy sets out to assist Managers to deal sensitively but effectively with situations where employees have a close personal relationship with someone also employed by the Council.

The implications of close personal relationships at work can include:

- The effect on the trust and confidence of colleagues in relation to a conflict of interest, fair treatment, their own ability to discuss issues openly within a team or with their line manager;
- The perception of service users or the general public in relation to the professionalism and fairness of the Council and its employees;
- Operational issues affecting the ability to deliver the service effectively;
- Conflicting loyalties and breach of confidentiality.

The provisions set out in the policy are intended to avoid any possible conflict of interest 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.

2. Definition of a Close Personal Relationship

Close personal relationships within this policy are defined as:

- Employees who are married, dating, in a partnership or a co-habiting arrangement or other similar relationship;
- Immediate family members, e.g. parents and son / daughter, brother / sister, grandparent / grandchild;
- Other relationships, e.g. extended family such as aunts / uncles / cousins / nieces / nephews and any other individuals with whom there is a close personal relationship e.g. close personal friendships, business associates (outside the Council);
- Where one of the individuals in the personal relationship is employed by the Council and the other is employed by an organisation with whom the Council has a partnership operation and both individuals have a work relationship in that partnership.

This list aims to cover all eventualities but is not exhaustive and covers relationships that are undisclosed to the Council.

3. Recruitment and Appointment of Employees

3.1 Requirement to disclose a close personal relationship

All applicants are required to disclose on the Council's recruitment application form if they are related to, the partner of, or have any other close personal relationship with, any employee of the Council and / or Councillor, and are asked to provide details. Failure to disclose such a relationship may disqualify the applicant. Any applicant who directly or indirectly seeks the support of a manager or councillor for any appointment within the Council will be disqualified.

3.2 Where there is a relationship between applicant and manager

Where new appointments are being considered an applicant should not be appointed to a team or establishment where there is a close relationship between the applicant and an existing employee where one of them would be in the immediate line manager or senior reporting manager of that team or establishment. If this situation arises, where practicable, the appointment should be made to an alternative team.

3.3 Where there is a relationship between applicant and team colleagues

Where the applicant, if appointed, would work in the same team or establishment with an employee with whom they have a close personal relationship (but not in a line management relationship), 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 could include:

- General operational issues relating to shift or working patterns, annual leave requirements etc. The applicant would need understand the operational requirements of the job which may involve different shift patterns or working times to their partner, with no guarantee that leave could always be authorised to coincide;
- More specific operational issues e.g. in relation to finance and procurement roles and responsibilities within a job which are governed by the Council's Financial Regulations;
- Potential conflict of interest and confidentiality issues including the impact on the perceptions and employee relations within the team;
- Impact on service users or the general public, including issues relating to trust and confidence and the public image of the Council.

3.4 Participation in the appointment process

To avoid any accusation of bias, an employee (or Councillor) must not be involved in any appointment process where they are related to, or have a close personal relationship inside or outside work, with the individual being considered for appointment.

3.5 Authority to appoint

Where, following consideration of all the factors above, the appointing manager considers that a candidate could properly be appointed despite a declared relevant close personal relationship, they must clear that appointment with their Head of Service or an officer nominated by the Head of Service to make such decisions (if not already having that authority themselves).

Where the close personal relationship involves the Head of Service, the necessary authority for appointment should be sought from the Director.

Where the close personal relationship involves the Director, the necessary authority for appointment should be sought from the Chief Executive

Where the close personal relationship involves the Chief Executive, the Head of People & Policy and the Council's Monitoring Officer (Head of Legal & Democratic Services) should authorise the appointment.

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 their personal file held by HR.

4. Relationships formed during employment

4.1 General Principles

Close personal relationships may form between colleagues in the same team or establishment during the course of their employment. Such situations should be managed with care and sensitivity in the interests of all concerned.

4.2 Disclosing a personal relationship formed during employment

Where a close personal relationship is formed between members of the same team or establishment whilst in post, this should be disclosed, in confidence to the line manager (or senior manager where appropriate) by the employees concerned. It is important to ensure that any approach or actions taken are fair and non-discriminatory. Discussions should take place with the employees concerned about the issues that may arise to ensure these can be managed effectively and a record of these discussions should be retained by the manager.

Failure to disclose a close personal relationship could leave an employee open to allegations of misconduct should subsequent issues arise.

4.3 Where a relationship develops between the manager and team member

Where a close personal relationship involves the direct line manager or senior reporting manager and a team member, the appropriate senior manager within the team or service, in consultation with HR, will in discussion with both employees:

- Make alternative supervision/line management arrangements of the team member particularly for issues involving a potential conflict of interest. These include matters related to appraisal, pay, promotion, and discipline issues.
- Consider any other operational issues that might occur and how these might be managed.
- Consider 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.

Expectations should be clearly defined and managed as appropriate.

4.4 Where a relationship develops between team colleagues

Where the relationship is between two colleagues (with no line management or supervisory relationship) the line manager will explore the relevant issues with the individuals concerned, including:

- Any potential operational issues relating to shift or working patterns, annual leave, cover requirements, or financial regulations etc;
- Any potential conflict of interest and confidentiality issues including the impact on the perceptions and employee relations within the team;
- 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.

Expectations should be clearly defined and managed as appropriate.

4.5 When issues cannot be managed effectively

When any issues identified cannot be managed effectively or the individuals within the close relationship feel uncomfortable remaining with the same team, there will be the need to explore, in discussion with both employees, whether a move to another team, establishment or location might be the most appropriate way forward, subject to a suitable alternative post being available.

When discussing 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.

4.6 When a relationship breaks down

If a close personal relationship breaks down and the individuals concerned remain in the same team, establishment or work area there may be a potential impact on team relationships and service delivery. In such cases use of the Council's EAP may be helpful to the individuals concerned as an initial approach. If it is envisaged that the breakdown of the relationship will cause ongoing workplace issues, these should be addressed sensitively in discussion with the employees with a view to the resolving the issues. Efforts should be made to facilitate a professional working relationship where possible, which could include mediation. However, if this is not possible, consideration may need to be given to transferring one or both of the employees, subject to a suitable position being available.

5. Transferring Employees

It may be necessary, in the interests of the service, to consider the transfer of an employee, subject to a suitable position being available. Every effort should be made to ensure that they are moved to comparable alternative employment in consultation with the employee(s) and HR. Pay protection will not apply if the post is at a lower grade.

6. Disciplinary Issues

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

7. Impact on other colleagues of a close personal relationship

Employees who feel they are affected by a close personal relationship at work involving other colleagues, can approach, without prejudice, their line manager or senior manager and / or HR to explain their concerns.

8. Providing References

If asked to provide a formal reference for somebody with whom a close personal relationship has been declared, the referee should provide the reference on a personal basis. The reference should not be produced on Council headed stationery and should state the reference is provided on a personal basis.

9. Financial Regulation Considerations

Where a close personal relationship might exist between two individuals involved in financial transactions the Council's Financial Regulations should be followed to ensure the appropriate separation of duties, probity and other financial safeguards are followed.

10. Tendering and relationships with contractors or potential contractors

In accordance with the Code of Conduct for employees, under no circumstances may special favour be shown in the tendering process to businesses run by those with whom employees have a close personal relationship. Employees who engage or supervise contractors or partner agencies, or have any other official relationship with contractors (or partner agencies) or have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship to their Head of Service, or to a higher level if they are themselves a Head of Service, Director or the Chief Executive.

Additionally, all employees involved in procurement within the Council are required to comply with the Council's Procurement policies and procedures. Further details are available from the Council's Procurement Team and can be downloaded from the intranet.

11. Service Users

All employees of the Council must maintain the highest standards of integrity and trust placed in them. The Council's Code of Conduct states that you must not "form inappropriate close personal relationships with service users, their relatives, carers or friends".

Issues of inappropriate behaviour will be dealt with under the Council's disciplinary code.

The Council also discourages close personal relationships between employees and ex-service users. If there is a prospect of a close relationship developing, the matter must be discussed with the manager and advice must be sought. The content of the meeting must be recorded and placed on the employee's personal file.

12. More information and help

For more information and help please contact HR Services on 215662 or via email on hrenquiries@southend.gov.uk