

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

Personal Relationships at Work

Policy Number:	HR34
Scope of this Document:	All Staff
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
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Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	Strategic HR Business Partner

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2018 – Version 5

Striving for Perfect Care for the people
we serve

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Personal Relationships at Work Policy

Further information about this document:

Document name	HR34 Personal Relationships at Work Policy
Document summary	To provide a framework to support the effective management of personal relationships at work so that personal relationships between staff do not compromise their work or lead others to believe that they might.
Author(s) Contact(s) for further information about this document	Vicki Wilson Strategic HR Business Partner Telephone: 0151 471 2796 Email: vicki.wilson@merseycare.nhs.uk
Published by Copies of this document are available from the Author(s) and via the trust's website	Mersey Care NHS Foundation Trust V7 Kings Business Park Prescot L34 1PJ Your Space Extranet: http://nww.portal.merseycare.nhs.uk Trust's Website www.merseycare.nhs.uk
To be read in conjunction with	Personal Achievement and Contribution Evaluation (PACE) Documentation Staff Charter HR01 Disciplinary Procedure HR02 Grievance Procedure HR21 Recruitment & Selection Policy HR06 Raising Concerns at Work Policy FO4 Standards of Business Conduct HR07 Management of Attendance
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
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Version Control:

Version History:		
Version 1 Consultation Draft	Circulated to HR and Managers within each Division for review and comment.	September 2015
Version 2 – Draft	Draft updated to reflect comments and feedback from consultation with HR and managers.	October 2015
Version 3 - Draft	Final amendments made to reflect comments at HR Policy Group.	February 2016
Version 4 - Draft	Final amendments made to reflect comments from Corporate Policy Group	May 2016
Version 5 - Draft	Final amendments made to reflect comments from HR Policy Group Policy Group / Ratified by Executive Committee	July 2018 July / August 2018

SUPPORTING STATEMENTS

This document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line the with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

- 1.1 **Purpose** – The Trust has a duty to protect the interests of those to whom it provides a service, and the staff it employs. This includes respecting the rights of individuals to privacy in family life. The purpose of this policy is to provide a framework to support the effective management of personal relationships at work so that personal relationships between staff do not compromise their work or lead others to believe that they might.
- 1.2 **Rationale** – this policy is necessary to:
 - 1.2.1 Inform employees of their responsibilities regarding personal relationships at work
 - 1.2.2 Provide line managers with guidance to support the management of personal relationships at work
 - 1.2.3 Ensure consistent and fair treatment for all employees, in line with the Staff Charter.

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 This policy aims:
 - 2.1.1 To provide a structure within the Trust which balances its duty to protect patients with its duty to respect the rights of the staff it employs.
 - 2.1.2 To facilitate the creation of a culture which encourages individuals to voluntarily declare where personal relationships exist.
 - 2.1.3 To provide a support mechanism for individuals who declare relationships.
 - 2.1.4 To support and value those who acknowledge that they feel affected by the existence of these relationships.
 - 2.1.5 To treat all involved consistently, fairly and equally irrespective of their age, ethnic origin, religion, gender, marital status or sexual orientation, and in line with the Staff Charter.

3. SCOPE

- 3.1 This policy applies to all staff employed by Mersey Care NHS Foundation Trust, including those who act as Bank, Agency, Pool or volunteers and those who hold an honorary contract.
- 3.2 The policy will also apply to any other individuals who undertake work or training within the Trust including contractors, hosted staff and students.
- 3.3 It applies to job applicants in the recruitment process. Job applicants are required to declare on their application any personal/work relationships that may result in any potential conflict of interest.
- 3.4 Upon appointment to the Trust, if an employee is found to have knowingly failed to declare a relationship on their application form with an employee who was involved in the recruitment process this will be investigated under the Trust's disciplinary procedures and may lead to disciplinary action which could include dismissal

4. DEFINITIONS (Glossary of Terms)

4.1 It can be difficult to define what constitutes a close personal relationship with a colleague. For the purposes of this policy a “close personal relationship” is defined as:-

- a close or familiar relationship (eg husband / wife / spouse, cohabitation)
- Family relationship / individuals who are related (children, siblings, parents, grandparents, aunts/uncles, cousins etc including in-laws and step relatives)
- a business / commercial / financial relationship
- a romantic / sexual relationship
- a close personal friendship (see section 6.5)

4.2 A relationship can be with an existing or prospective employee; a contractor; a Non-Executive Director (NED), patient or service user whom an employee meets as a result of their employment.

5. DUTIES

5.1 **Lead Executive Director** – the lead Executive Director for this policy (Executive Director of Workforce) has strategic responsibility for ensuring that a robust system is in place to ensure compliance with the policy. They will ensure that all Directors, Managers, Human Resources Business Partners, Human Resources Managers, Human Resources Advisors and staff are fully aware of the Policy and are aware of their responsibilities.

5.2 **Policy Lead** – the Policy Lead, HR Business Partner for Secure Division has operational responsibility for ensuring the policy is kept up to date and any changes are communicated.

5.3 **Line Managers** - The line manager has a duty to ensure that all staff are aware of the policy and ensure that all staff follow the correct procedure with support from the Human Resources Department.

5.3.1 The Trust expects Managers to use these guidelines appropriately whilst ensuring service needs are not compromised. Managers should:

- Deal promptly and sensitively with issues involving close personal relationships at work
- Maintain confidentiality
- Deal with any matter requiring action using the appropriate Trust policy / procedure
- Act fairly and consistently.

5.4 **Staff** - All staff should be aware of this Policy and understand the importance of the content and adhere to the procedure. Individual staff have a responsibility to:

- Be open and honest with their Manager and provide details of any relationships where appropriate.
- Ensure that any close personal relationship at work does not interfere with or prejudice their employment of professional responsibilities

5.5 **Human Resources** - The Human Resources Department will support Mersey Care staff at all levels in the application of this policy. This will also include providing appropriate advice and

guidance to managers to support them in their responsibilities under this policy. The Human Resources Department has the responsibility to monitor the implementation and application of this policy to ensure that procedures are managed fairly across the Trust. The Human Resources Department will ensure that this policy is updated in accordance with changes in employment legislation

6. PROCESS

6.1 The Trust values and relies upon the professional integrity of relationships between members of staff. In order that Trust business is conducted and perceived to be conducted in a professional and proper manner it is necessary to recognise personal relationships which overlap with professional ones. The Trust acknowledges that it is possible that relationships will develop between individuals who work together.

6.2 The Trust respects the rights of individuals to privacy in family life and will not interfere unduly with an employee's personal relationships. However, the Trust also has a right to protect its interests, those of patients/service users and other employees and to take legitimate action when close personal relationships at work have an actual or potential impact on the Trust.

6.3 Personal Relationships at Work

6.3.1 The Trust does not prevent staff or prospective staff who have a personal relationship, from working together whilst employed. However, the existence of such a relationship should either be declared at the time of appointment (there is a requirement to disclose this information when applying for a post via NHS Jobs), a promotion or, if the relationship develops during their employment staff should discuss this with either their line manager or if more appropriate with the Strategic HR Business Partner / HR Business Partner.

6.3.2 Any details of decisions taken regarding the matter will be strictly confidential. A note regarding the decision will be placed on the employees personal file.

6.3.3 Concerns regarding inappropriate behaviour may be addressed in line with the Trust's Disciplinary Policy.

6.4 Underpinning Principles

6.4.1 Staff should work with their managers to ensure personal relationships between staff do not compromise their work or lead others to believe that they might.

6.4.2 Although the existence of a personal relationship between members of staff does not necessarily constitute a bar to the employment or promotion of either party, there are underpinning principles which will help to avoid conflict or compromise.

- Employees must be open about the existence of a relationship which may give rise to a real or perceived conflict of interest (See section 6.7)
- Employees must take active steps to avoid any suggestion of unfairness, bias, dishonesty or lack of probity
- Managers must make active decisions, which are recorded, to avoid or minimise the possibility of perceptions of favouritism or lack of integrity.

- 6.4.3 The professional relationships between some staff are so important that they should not be compromised at all by the existence of a close personal relationship. As such, staff who have a close personal relationship should not work in a direct line management relationship.
- 6.4.4 Staff who have a close personal relationship and work in the same line management chain, but not as direct reports, should make a disclosure to the relevant line managers or if more appropriate with the Strategic HR Business Partner / HR Business Partner.
- 6.4.5 Staff who have a close personal relationship must not be involved in recruitment, selection, appraisal, promotion or other management activities or financial processes involving the other party, for example shortlisting and interview panels, approving invoices, expenses, overtime and any other benefits/payments.
- 6.4.6 Staff may normally continue to work together in the same team or department where this is appropriate, providing there is no conflict of interest or no line management relationship.
- 6.4.7 In the event of perceived or actual conflict of interest or impact on the role of either employee, the manager should discuss this with their Senior Manager and seek advice from the Strategic HR Business Partner or HR Business Partner.

6.5 Friendships

- 6.5.1 Friendships quite naturally are formed in the work place. Employees are expected to exercise judgment in determining whether or not a friendship has developed to such an extent that it can be described as a close personal relationship.
- 6.5.2 Where two employees within a team form a stable personal relationship, which may be likely to involve frequent close personal contact or social interactions outside of work, it is their responsibility to consider whether this places them at risk of being compromised and they are encouraged to inform their immediate line manager in confidence of the existence of the relationship.
- 6.5.3 Consideration should be given to the factors in Section 6.7 in determining if disclosure of the relationship is appropriate.

6.6 Breakdown of a Relationship

- 6.6.1 If a personal relationship breaks down or is in difficulty, this must not interfere with or influence the working relationship. Where any employee feels this may potentially be the case it must be brought to the attention of the Line Manager and Strategic HR Business Partner or HR Business Partner without delay.

6.7 Factors to be considered in determining if disclosure of a relationship is appropriate

- 6.7.1 Where two employees are in or form a close personal relationship, it is their responsibility to consider whether this places them at risk of being compromised. Factors they should consider include;
- Whether they are at risk of having or being perceived as having conflict of interest in decision making or other matters
 - Whether they could be perceived as having or be accused of bias, favouritism or prejudice

- Whether they are at risk of accusations of fraud or financial irregularities

6.7.2 The risk of the above is more likely where the employees would typically be involved in the types of activities listed below. As such employees in a close personal relationship should not be involved in decision making involving the other party and should disclose their relationship to the Strategic HR Business Partner or Line Manager so that alternative arrangements can be made.

- Selection for appointment or promotion
- When undertaking an assessment of competence or skills
- Selection for prizes, awards, training or development;
- Project, research or dissertation supervision;
- Employee relations matters such as disciplinary and grievance;
- Management of sickness or other absence
- Supervision/management of staff including management of performance / capability, PACE reviews
- Determining access to resources;
- Financial transactions including approving invoices, expenses, overtime and any other benefits/payments.
- Access to confidential information

6.7.3 The list is not exhaustive, but is aimed as a guide. The responsibility remains with the employees to consider the potential impact of their relationship and take appropriate action to mitigate and disclose this.

6.8 Disclosing a relationship

Where a relationship is disclosed, the following will apply;

- Where necessary, consideration will be given to changing / restructuring the duties or moving of the staff concerned in order to prevent the risk of a conflict of interest.
- Unless detailed discussions have taken place with the individuals affected no changes should be undertaken.
- Where the two individuals are also in a direct line management relationship, changes must be made so as to prevent any potential for the personal relationship to impact on the work one, or for there to be a perception that this may be the case. There may also be other instances where changes would be appropriate to protect the two individuals involved.
- Wherever possible agreement will be reached between the individual/s and the manager about the reason for any move or change necessitated as a consequence of a significant personal relationship.
- Wherever possible no detriment (i.e. pay, grade, hours of work etc.) will be suffered as a result of such changes. Any change will be managed in line with the Organisational Change Policy, including relevant protection entitlements.
- Information disclosed should remain confidential and wherever possible should not be disclosed to other parties without the express permission of those involved.

6.9 Raising Concerns

- (a) Any employee who feels that a family or close personal relationship is adversely affecting their employment, the functioning of the team or the provision of services is encouraged to share their concerns at the earliest opportunity. This also applies to employees who have a family or close personal relationship who feel they are being disadvantaged because of the relationship.

- (b) Concerns should be raised with their line manager or more senior manager if they prefer. Where an employee is not comfortable with either of these options they may consider raising their concerns to the HR Business Partner / Strategic HR Business partner. Alternatively, staff have the option to raise concerns under the Trust's Raising Concerns at Work Policy. Staff can also ask their Staff / Trade Union representative or the Freedom to Speak Up Guardian for advice or support.

6.10 Standards of Business Conduct and Loyalty Interests

In line with the Trusts Standards of Business Conduct (F04) and NHS England's guidance on Managing Conflicts on Interests in the NHS, all staff are required to declare loyalty interests.

According to NHS England, as part of their jobs staff need to build strong relationships with colleagues across the NHS and in other sectors. These relationships can be hard to define as they may fall in the category of indirect interests. They are unlikely to be directed by any formal process or managed via any contractual means, it can be as simple as having informal access to people in senior positions. However, loyalty interests can influence decision making.

Conflicts of interest can arise when decision making is influenced subjectively through association with colleagues or organisations out of loyalty to the relationship they have, rather than through an objective process. The scope of loyalty interests is potentially huge, so judgement is required for making declarations.

Loyalty interests should be declared by staff involved in decision making where they: (a) hold a position of authority in another NHS organization or commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role:

- Sit on advisory groups or other paid or unpaid decision making forums that can influence how an organization spends taxpayers' money;
- Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners;
- Are aware that their organization does business with an organization in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

What should be declared – the MES Declare system will require you to declare the following information:

- (a) Your name and your role with the organization;
- (b) The nature of the loyalty interest;
- (c) The relevant dates
- (d) Other relevant information (e.g. taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

Staff who need to declare a loyalty interest should inform their line manager and should also declare this via the MES Declare system.

7. CONSULTATION

7.1 The following staff / groups were consulted with in the development of this policy document:

- HR Policy Group and Staff Side Colleagues

- Divisional Management Teams within Secure, Local and Corporate Divisions.

8. TRAINING AND SUPPORT

8.1 Implementation

8.1.1 Policy to be communicated to staff via the Management structures within each Division

8.2 Training

No formal training will be provided however the divisional HR teams will provide guidance and advice .

9. MONITORING

The application of this policy will not be monitored, however any non-compliance will be discussed with the divisional HR teams.

10. EQUALITY AND HUMAN RIGHTS ANALYSIS

Equality and Human Rights Analysis

Title: HR34 Personal Relationships at Work Policy

Area covered: Trust wide Non Clinical Policy

What are the intended outcomes of this work?

This document sets out Trust Policy and Procedure in relation to an employee's personal relationships at work. The Trust has a duty to protect the interests of those to whom it provides a service, and the staff it employs. This includes respecting the rights of individuals to privacy in family life. The purpose of this policy is to provide a framework to support the effective management of personal relationships at work so that personal relationships between staff do not compromise their work or lead others to believe that they might.

Who will be affected?

Staff

Evidence

What evidence have you considered?

Disability inc. learning disability

No issues identified within discussions.

Sex

No issues identified within discussions.

Race

No issues identified within discussions.

Age

No issues identified within discussions.

Gender reassignment (including transgender)

No issues identified within discussions.

Sexual orientation

No issues identified within discussions.

Religion or belief

No issues identified within discussions.

Pregnancy and maternity

No issues identified within discussions.

Carers No issues identified within discussions.
Other identified groups No issues identified within discussions.
Cross cutting No issues identified within discussions.

Human Rights	Is there an impact? How this right could be protected?
This section must not be left blank. If the Article is not engaged then this must be stated.	
Right to life (Article 2)	No issues identified within discussions.
Right of freedom from inhuman and degrading treatment (Article 3)	No issues identified within discussions.
Right to liberty (Article 5)	No issues identified within discussions.
Right to a fair trial (Article 6)	No issues identified within discussions.
Right to private and family life (Article 8)	The Trust respects the rights of individuals to privacy in family life and will not interfere unduly with an employee's personal relationships.
Right of freedom of religion or belief (Article 9)	No issues identified within discussions.
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	No issues identified within discussions.

Right freedom from discrimination (Article 14)	No issues identified within discussions.
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Engagement and involvement

The following staff / groups were consulted with in the development of this policy document:

1. HR Policy Group
2. Senior Managers
- 3 Staff Side Representatives

Summary of Analysis

Eliminate discrimination, harassment and victimisation

N/A

Advance equality of opportunity

N/A

Promote good relations between groups

N/A

What is the overall impact?

Policy not intended to have any adverse actions.

Addressing the impact on equalities

Action planning for improvement

See action plan below

For the record

Name of persons who carried out this assessment (Min of 3):

1. Vicki Wilson, Strategic HR Business Partner Secure Division
2. Helen Brook Human Resource Business Partner Secure Division
3. George Sullivan, Equality and Human Rights Advisor

Date assessment completed:

30th June 2016

Name of responsible Director: Executive Director of Workforce.

Date assessment was signed:

Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their Directorate
Involvement and consultation	N/A		
Data collection and evidencing	N/A		
Analysis of evidence and assessment	N/A		
Monitoring, evaluating and reviewing	Monitoring and reporting takes place in HR.	Annual	Strategic HR Business Partner / Executive Director of Workforce
Transparency (including publication)	A copy of this equality and human rights analysis to be attached to the Policy on the Trust website.	July 2016	Strategic HR Business Partner / Executive Director of Workforce