

Close Personal Relationships at Work

The Expectation

The Aim

Is to build an organisation that is committed to maintaining high standards of conduct in the area of close personal relationships at work.

This will be achieved by:

- promoting high standards of conduct and integrity among Council employees
- not interfering unduly in employees' private lives but taking legitimate action when close personal relationships at work have an actual or potential impact on Council services
- managing issues involving close personal relationships at work promptly, effectively, fairly and lawfully
- describing the types of close personal relationship at work that the Council considers inappropriate.

The Expectation

Heads of Service/School Governing Bodies will:

- delegate authority for managers¹ to take action under this procedure as appropriate
- monitor the use of this procedure for effectiveness and fairness.

Managers¹ will:

- deal promptly and sensitively with issues involving close personal relationships at work

¹ For the purposes of this document, in schools the term "manager" will mean "Headteacher or a representative who is the Deputy Headteacher or another formally nominated senior employee". Alternatively, where a close personal relationship involves the Headteacher, this term will mean "Chairman of Governors or a representative who is either the Vice-Chairman or another governor who has been nominated by the Chairman or Vice-Chairman, and who is not an employee in the school – provided that no governor implementing this procedure shall be a party to the close personal relationship concerned".

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The Expectation

- conduct matters involving close personal relationships at work in an orderly, fair and reasonable way
- maintain confidentiality where possible
- deal with any matter requiring formal disciplinary action using the disciplinary procedure.

Employees will:

- ensure that any close personal relationship at work does not interfere with or prejudice their employment
- if a close personal relationship at work interferes with or prejudices their employment, co-operate under this procedure to resolve the situation.

Close Personal Relationships at Work

2. Council Procedure

Close Personal Relationships at Work Procedure

Scope

For the purposes of this document a “close personal relationship” includes spouse/partner, parent, child and sibling, although this list is not exhaustive. It can be with an existing or prospective employee; a contractor; a Councillor; a school governor (if the employee works at the same school); or a child/young person or vulnerable adult client whom an employee meets as a result of their employment.

If the close personal relationship involves a child/young person/vulnerable adult client whom the employee met as a result of their employment, the Council’s separate child/adult protection procedure **must** be invoked immediately (see relevant section of guidance notes).

This procedure applies to all employees on Bucks Pay Employment Conditions, and to all employees in schools with delegated budgets once the Governing Body has adopted it. Where the terms “The Buckinghamshire Council/the Council” are used in this document to describe the role of the employer they should be replaced as follows:

- in Community and Voluntary Controlled schools with delegated budgets, by “the Governing Body as agent of The Buckinghamshire Council”
- in Voluntary Aided and Foundation Schools, where the Governing Body is the employer, by “the Governing Body”.

Purpose

The purpose of this procedure is to:

- enable managers to deal promptly and effectively with issues involving close personal relationships at work
- keep employees informed of the action they face if they fail to meet local and national standards of conduct
- deal with issues involving close personal relationships at work with natural justice, maintaining confidentiality where possible.

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Key Points

Managers will:

- deal with close personal relationships at work which are adversely affecting/could adversely affect the work of the employee(s) concerned, or others, by using this procedure; and/or where the matter requires formal disciplinary action, by following the disciplinary procedure
- if the close personal relationship involves a child/young person/vulnerable adult client whom the employee met as a result of their employment, immediately invoke the County Council's separate child/adult protection procedure (see relevant section of guidance notes)
- ensure the employee is given appropriate notice of any meeting and is told:
- the nature of their alleged inappropriate behaviour; or the reasons why their relationship is considered incompatible with their work situation
- that they have the right to be represented at any meeting at which their potential redeployment is discussed
- ensure the employee is given the opportunity to put their side of the case and take this into account at any meeting before action is decided upon
- have regard to the principles of natural justice
- confirm in writing the outcome of the meeting
- notify the employee in writing of the right to invoke the grievance procedure if dissatisfied with the outcome.

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Outline of Procedure

This procedure is an informal one. If the situation cannot be resolved on an informal and voluntary basis by using this procedure it will be necessary to invoke the disciplinary procedure.

The Manager will:	The Employee is entitled to:
<p>decide whether the matter is potentially misconduct and should be dealt with under the disciplinary procedure</p> <p>give the employee(s) appropriate notice of an informal meeting to discuss the matter</p> <p>meet the employee(s) to inform them of the nature of their alleged inappropriate behaviour/the reasons why their relationship is considered incompatible with their work situation; and that this cannot continue</p> <p>hear any response the employee(s) may wish to make</p> <p>discuss actions that can be taken by the employee(s) voluntarily, to avoid repercussions (e.g. putting themselves forward for potential redeployment)</p> <p>discuss actions that can be taken by the line manager to assist the employee(s) (e.g. ensuring that the employee does not deal with a particular contractor/County Councillor where possible; investigating the possibility of</p>	<p>be told the purpose of the meeting, including details of the nature of the problem</p> <p>give their response to the problem and to put their side of the matter</p> <p>a copy of this procedure</p> <p>the opportunity to be accompanied/represented by a colleague or professional association/trade union representative at any meeting at which their potential redeployment is discussed²</p> <p>a letter within 7 calendar days of the meeting confirming the main issues considered, the outcome and the right to invoke the grievance procedure if dissatisfied with the outcome</p> <p>be treated fairly.</p>

² It is the employee's responsibility to arrange for representation if they so choose. There is no obligation for a colleague to act as a representative; however they are free to do so and will be given time off for this purpose.

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redeploying the employee if this is appropriate in the circumstances; investigating the possibility of changing the service provision to a client)
advise the employee(s) that the disciplinary procedure will be invoked if their inappropriate behaviour continues/the situation is not resolved by other means
honour the employee's entitlement to fair treatment.

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4. Guidance Notes

Close personal relationships between employees where there is no line management relationship

This type of close personal relationship at work does not of itself constitute a difficulty. However, employees are expected to conduct themselves in a professional manner and to deal sensitively with any confidential information which one or both individuals may possess.

Exceptionally, a close personal relationship, particularly between two employees working in the same team, may begin to have an adverse effect on their own and/or their colleagues' work. The following list is not exhaustive but includes some examples of this:

- neglecting work
- communicating confidential information to each other
- behaving in a way which may cause difficulty or embarrassment to others, e.g. arguing in the workplace
- not communicating with each other as the result of a disagreement or the break up of a relationship.

It is any negative impact on work that would cause this procedure to be implemented, not the relationship itself.

Close personal relationships between an employee and a contractor/County Councillor

As above, this type of relationship does not necessarily create a difficulty in itself.

However, a close personal relationship between an employee and a contractor/County Councillor can create the potential for conflict of interests, and particular concern about divulging confidential and/or commercial information. A close personal relationship between an employee and a contractor/County Councillor is not acceptable if it involves:

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- an abuse of the employee's position of trust
- a breach of the standards of propriety expected in the post
- a compromise of professional standards
- a conflict of interests.

County Councillors are subject to similar restrictions under national and local codes of conduct, and the Council's protocol on member/officer relations.

Close personal relationships between employees with a line management relationship, or between an employee and a governor at the same school

The County Council will not employ/continue to employ individuals with a close personal relationship in jobs where:

- there is a direct line management relationship between them
- the line manager does not manage the employee directly but is the manager's manager
- the relationship is between an employee and a governor at the same school.

This is because of the potential conflict of interests, which could cause significant problems with employee management (e.g. appraisal, grievance, discipline, etc.) by creating the potential for claims of favouritism or unequal treatment.

Close personal relationships between an employee and a child/young person or vulnerable adult client

The County Council regards as wholly unacceptable any close personal relationship between an employee and a child/young person who is under the age of 18 (19 if still at school), or a vulnerable adult client, whom they meet as a result of their employment.

If this type of relationship exists/develops, the situation involves:

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- an abuse of the employee's position of trust
- a breach of the standards of propriety expected in the post
- a compromise of professional standards.

The manager **must** invoke the County Council's child/adult protection procedure immediately, before taking action under the disciplinary procedure for alleged gross misconduct. The manager also needs to refer to the following documents, as appropriate:

- "Buckinghamshire Area Child Protection Committee: Multi-Agency Child Protection Code of Practice" dated 2001
- The Buckinghamshire Council Pupil Support "Child Protection Guidance" dated February 2002
- The School's Child Protection Policy
- DfEE Circular No. 10/95 dated October 1995, entitled "Protecting Children from Abuse: The Role of the Education Service" (N.B. This only applies to schools; related centres, units and central teaching teams; the Youth & Community Service; and the Adult Learning Service)
- DfES Guidance dated May 2002 entitled "Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service" (N.B. This only applies to schools; related centres, units and central teaching teams; the Youth & Community Service; and the Adult Learning Service)
- General Social Care Council "Code of Practice for Social Workers" dated 2002
- The Buckinghamshire Council "Policy, Guidelines and Procedures for the Protection of Vulnerable Adults from Abuse" dated November 1999.

In the social care services, the Council regards as wholly unacceptable a close personal relationship between an employee and a client receiving social care who is aged 18 or over if it involves:

- an abuse of the employee's position of trust
- a breach of the standards of propriety expected in the post
- a compromise of professional standards.

This type of relationship will also be treated as potential gross misconduct and the line manager will invoke the disciplinary procedure without delay. Such a situation is more likely to arise where an employee is responsible for the supervision or casework of a client and/or is based in the establishment where the client is living.

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Action to be taken if the matter is not resolved informally and is not considered to amount to gross misconduct

Where action is taken under the procedure and no agreement can be reached on an informal and voluntary basis it will become necessary to invoke the disciplinary procedure. This could result in an employee being required to accept redeployment. However, if no suitable alternative post can be found and no other suitable alternative courses of action can be identified; or the employee(s) refuse(s) to accept redeployment, it may ultimately be necessary to dismiss the employee(s). Every opportunity would be taken to resolve the matter without recourse to dismissal.

Managers considering redeployment and/or disciplinary action are strongly advised to seek early advice from the Head of Organisational Development & Human Resources.

Link with grievance procedure

If an employee feels they are being victimised and/or unfairly treated they have recourse to the grievance procedure (unless disciplinary proceedings have begun, as the disciplinary procedure includes the right of appeal).