

Close Personal Associations

Relationships at Work Guidance

Updated August 2020

carmarthenshire.gov.wales

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Equalities statement

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favourably than the English language' and this principle should be adopted in the application of this Guidance.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

1. Introduction

1.1 Carmarthenshire County Council recognises that a significant number of close personal associations / relationships are formed at work. Also, as a large employer, situations arise within the authority where parent and child, grandparent / grandchild, siblings, or other relatives are employed within the same team, establishment or work area.

1.2. In most cases, it is unlikely that an association / relationship between colleagues would have any impact on the work of the authority. However, from time to time a close personal association / relationship at work can interfere with and / or threaten to harm the work and /or service provision.

1.3. The implications of close personal associations / relationships at work can include:

- 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
- Perception of service users or the general public in relation to the Professionalism and fairness of the authority and its employees
- Operational issues affecting the ability to deliver the service effectively
- Conflicting loyalties and breach of confidentiality

1.4. The purpose of this guidance is, therefore, to assist managers and HR Teams within People Management, in dealing sensitively, but effectively, with situations where employees have, or form a close personal association / relationship with someone with whom they work.

1.5. These provisions 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 association will influence their own or other employee's treatment or broader working relationships.

2. Scope

This guidance covers all employees including centrally employed school staff but excluding staff on the complement of locally managed schools.

3. Principals

3.1 To avoid any accusation of bias, employees must not be involved in the recruitment procedure where they are a relative or partner of or have a close personal association / relationship with the individual being considered for appointment. Similarly, employees must not be involved in decisions relating to discipline, dismissal, grievance, and promotion or pay adjustments for that employee.

3.2 The aim is to build an organisation that is committed to maintaining high standards of conduct in the area of close personal associations/relationships at work.

This will be achieved by:

- Promoting high standards of conduct and integrity amongst the authority's employees
- Not interfering unduly in employees' private lives but taking legitimate action when close personal associations / relationships at work have an actual or potential impact on the authority's services
- Managing issues involving close personal associations / relationships at work promptly, effectively, fairly and lawfully
- Describing the types of close personal associations / relationships at work that the authority considers inappropriate

3.3 This guidance is produced to support the Employee Code of Conduct and Employee Declarations procedure along with the Codes of Practice and professional standards relating to specific occupations.

3.4 This guidance is not designed to deal with issues of misconduct or grievance relating to close personal associations / relationships. These should be dealt with in accordance with the Disciplinary Policy and Procedure, and Grievance Policy and Procedure.

4. Roles and Responsibilities

4.1 Line Managers will:

- Deal promptly and sensitively with issues involving close personal associations / relationships at work
- Conduct matters involving close personal associations / relationships at work in a fair and reasonable way
- Maintain confidentiality where possible
- Deal with any matter requiring formal disciplinary action using the Disciplinary Procedure

4.2 Employees will:

- Ensure that any close personal associations / relationships at work do not interfere with or prejudice their employment
- If a close personal association / relationship at work interferes with or prejudices their employment s/he will co-operate under this procedure to resolve the situation
- Ensure that the declaration form is completed where appropriate (**Appendix A**)
- Raise concerns with their line manager promptly

4.3 HR Teams will:

- Provide advice and guidance to Managers and employees relating to close personal associations / relationships at work
- Ensure consistency in the application of this policy and procedure
- Maintain confidential records in accordance with Data Protection Principles

5. Definition of Close Personal Associations / Relationships

5.1 When considering whether to declare a close personal association the employee should consider whether there could be any perceived influence or bias. Close personal associations / relationships within this guidance are defined as employees who are:

- Married, Civil Partners, in a Partnership or Co-habiting arrangement
- Immediate family members of the applicant or employee e.g. Parents, Son / Daughter, Brother / Sister, Grandparent / Grandchild
- Other relations of the applicant or employee e.g. extended family such as Aunts/Uncles/Cousins/Nieces/Nephews and any other individuals with who there is a close personal association e.g. close friendships or relationships, business associates (outside the authority). It also includes a previous association e.g. former spouse, where there could be a degree of bias
- A child / young person or vulnerable adult /client whom an employee meets as a result of their employment
- A person with whom you are/have been in conflict or dispute

- In accordance with the Employee Declaration Procedure, where any employee is uncertain about whether an association should or should not be declared then s/he should err on the side of caution and declare it. The key test is whether such an association could be seen to affect an individual's personal judgement.

6. Defining a Relevant Team or Establishment or Work Area

6.1. What constitutes a team, establishment or work area for these purposes will usually be self-evident, i.e. involves working under the same direct line management arrangement. For the purposes of this guidance an establishment is usually defined as a single location or workplace

6.2 There will however, be occasions, where the association involves a senior manager within the authority and the definition and potential for conflict of interest will be wider e.g. across a service, or where a Head of Service has an association with a Councillor who has specific responsibility for their service group

6.3 Conflict could also arise where one of the parties is employed by the authority and the other is either a volunteer or employed by an organisation with which the authority has a contractual or partnership agreement, i.e. partnership working (Please refer to Employee Code of Conduct)

7. Recruitment and Appointment of Employees

7.1 Participation in the appointment process

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

7.2 Requirement to disclose a close personal association

All applicants are required to disclose on the authority's recruitment application form if they are related to a councillor, school governor or senior employee of the authority

Applicants are asked to state the name of the person and the relationship. Failure to disclose such a relationship may disqualify the applicant from the recruitment process for that post. Any applicant who directly or indirectly seeks the support of a manager or Councillor for any appointment within the authority will be disqualified from continuing the recruitment process for that post.

7.3 Where there is a relationship between applicant and manager or 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 association the implications of this should be considered and discussed at the end 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 considering 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 to be clear as to the operational requirements of the job which may involve different shift patterns or working times to their partner and 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 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 authority¹.

7.4 Authority to appoint

Where, following consideration of all the factors in the above, the appointing manager considers that a candidate could properly be appointed despite a declared relevant close personal association, they must clear that appointment with their Director or Head of Service or a nominated officer.

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 personnel file held by Human Resources.

Example

Situation

Peter is the recruiting Manager for a new post being advertised Peter plays golf with his brother at the weekend and he becomes aware that his brother has applied for the post that he has advertised.

Manager's response

Peter will need to declare this to his Head of Service and will not be involved in the appointment process. If Peter's brother is deemed to be the most suitable applicant following interview and would be working in the same team or establishment as Peter the implications of this should be considered and discussed at the end of the selection process.

Where the appointing Manager considers that the candidate could be properly appointed despite the declaration they must clear that appointment with their director or head of service or nominated officer.

¹ Please refer to safeguarding procedures for children and vulnerable adults and code of professional practice for social care and the Authority's Code of Conduct

8. Where an association develops between a manager and team member

8.1 Where a close personal association involves a manager and a team member, the appropriate senior manager for the team or service area, in consultation with the HR Team, should in discussion with both employees:

- Make alternative supervision / line management arrangement of the team member for issues involving a potential conflict of interest. These include matters related to pay, promotion, job opportunity and discipline issues. This will normally mean a change to this aspect of the line management arrangement whereby the team member is supervised by another manager² but management of work-related functions remains unaltered
- Consider any other operational issues that might occur and how these might be managed. Specific operational issues in relation to financial responsibilities that need to be considered are the separation of duties, probity, and other financial safeguards within the Financial Regulations. More general issues may include cover, particularly in small teams
- Assess any impact on service users and the general public, including issues relating to trust and confidence and the public image of the authority
- Consider if it is appropriate to communicate such agreed adjustments etc to other colleagues in the team/workplace to manage any concerns.

8.2 Expectations should be clearly defined and managed as appropriate. Refer to form Appendix B; this should be used to record the agreed protocol between the manager and team member.

Example

Situation

Because of certain behaviour between them that she has witnessed, Mary has reason to believe that Michael, one of the team leaders whom she manages has begun a romantic relationship with one of his colleagues (who he directly line manages) Clare.

Manager's response

Mary calls a separate private meeting with Michael and Clare, states her observations to them, and asks whether or not they are, in fact, involved romantically. Both parties declare they are in a romantic relationship and Mary provides them with the Code of conduct declaration of personal interests to complete and return. Mary works through the relationship protocol with both parties, and this is agreed and signed.

² Please note that changes to line management responsibility may result in a re-evaluation of the manager's post and could impact on the grade

9 When issues cannot be managed effectively

9.1 Where any issues identified cannot be managed effectively 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. Managers should seek advice from the HR Team prior to discussing a move with an employee:

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 considered, balancing this with the needs of the service and the issues that present themselves.

In the event that no agreement is reached with the parties to move to another team, establishment or work area, careful consideration will need to be given to whether or not it is reasonable for the Authority to determine that a transfer of one or both of the parties must take place. Advice **must** be sought from HR in such circumstances

9.2 When a relationship breaks down

There may be occasions when a close personal association breaks down and the individuals concerned remain in the same team, establishment, or work area with a potential impact on team relationships and service delivery. In such cases use of the authority's Occupational Health service may be appropriate. The line manager should also consider the Authority's 'Behavioural Standards in the Workplace Guidance', which is available on the intranet. This may apply where an employee raises concerns relating to the perceived inappropriate behaviour of another member of the team.

There may be cases where professional mediation is the most appropriate and effective route to rebuild the relationship. Mediation is not however a universal remedy and as such advice should be sought from HR before discussion with the parties involved to assess whether this is the appropriate course of action.

Advice from the HR team can assist with this process where required. This may ultimately involve exploring with the parties whether a move to another team, establishment or location might be the most appropriate way forward. Managers should seek advice from the HR Team prior to discussing a move with an employee.

9.3 Conduct or Performance issues

As with any employee, significant conduct or performance issues may need to be dealt with, where appropriate, under the Authority'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.

10. Close personal associations between an employee and a child / young person or vulnerable adult

If this type of relationship exists/develops, the authority's separate adult/child protection procedures will apply. Where there is 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 and/or conflict of interests. Refer to People Management HR Team for further guidance.

11. Colleagues affected by a close personal association

Employees who feel they are affected by a close personal association at work involving other colleagues, should at all times feel that they can approach without prejudice, their line/senior manager and/or People Management HR Team to explain their concerns.

12. Provision of references

When providing references, the individual providing the reference should make clear if it is a personal reference they are providing on behalf of a colleague or formally on behalf of the authority, in line with the Authority's Reference Guidance available on the intranet, HR policies and guidance.

If you are not providing a reference in your capacity as a line manager i.e. formally on behalf of the authority, then the reference should not be produced on the authority's headed stationary.

13. Financial regulations

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

14. Associations with contractors or potential contractors

14.1 In accordance with the Code of Conduct for Employees 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 association with someone who works for contractors, must declare that relationship to their Head of Service or their line manager if they are themselves are a Head of Service.

14.2 All employees involved in procurement within the authority are required to comply with the Financial Procedure rules.

15. Failure to disclose a close personal association

Failure to disclose a close personal association could leave an employee open to allegations of misconduct should subsequent issues arise. This could result in formal disciplinary action in accordance with the disciplinary policy and procedure which can be viewed on Brian under HR policies and guidance.

APPENDIX A

CARMARTHENSHIRE COUNTY COUNCIL OFFICERS' DECLARATION OF PERSONAL INTERESTS

Before considering whether you need to complete this form, please ensure that you are familiar with the Officer's Code of Conduct and the guidance on personal interests, gifts and hospitality, a copy of which should be available to you when you receive this form.

This form must **only** be completed if you have a personal interest to declare, in which case it must be returned to your line manager. You should also use the form to tell us about any other paid employment that you have outside the Council-for further details see the guidance.

If you do not currently have an interest to declare please retain this form for possible future use. If a personal interest arises at any time in the future you must inform your line manager in writing, either by completing this form or confirming the interest by e-mail or letter. Remember that you should also apply for consent before accepting any gift or hospitality with a value of over £25-see the guidance for more details.

Failure to disclose interests could result in formal disciplinary action

Name :..... Department:.....
Division:Employee No:
Post Title:

DECLARATION

I hereby disclose the following personal interests: -

Signed..... (employee) Date

FOR OFFICE USE ONLY

No action required*
Mitigating action to be taken as detailed below*
Referred to Head of Service*
Referred to Director*
Referred to Chief Executive*

Signed.....(Line Manager) Date.....

No action required*
Mitigating action to be taken as detailed below*
Referred to Director*
Referred to Chief Executive*

Signed..... (Head of Service) Date.....

No action required*
Mitigating action to be taken as detailed below*
Referred to Chief Executive*

Signed..... (Director) Date.....

Action Box

I confirm that a copy of this completed form has been returned to the employee

Signed..... (Nominated Officer) Date.....

To the employees-Please ensure that you retain this signed document as evidence that you have declared the interest(s) specified above and please ensure that you adhere to any requirements indicated in this decision

APPENDIX B

STRICTLY CONFIDENTIAL

Relationship Protocol

<insert name> and <insert name>

Introduction

The following protocol is agreed to ensure probity between {name and job title of each party} (the parties)]

The protocol is to protect the integrity of both parties, ensure probity and transparency and avoid allegations of favouritism.

The following are noted:

[Describe the circumstances]

Protocol

The protocol details the restrictions and agreed processes for particular aspects of the work relationship. It is agreed that:

1. The following will be agreed and approved (or countersigned) by an appropriate Manager or Head of Service.

- Travel claims
- Subsistence claims
- Training course attendance
- Development programmes
- Attendance at conferences
- Changes to PC access or set up
- Employee Development Scheme (EDS) or Appraisals
- Annual Leave
- Purchase of new equipment

In all cases the head of service can sign in the absence of the nominated Officers. [The more senior officer in structural terms – name] will not authorise any of the above.

2. The following will require the Head of Service to approve and countersign any Proposals which involve [the less senior officer in structural terms – name]

- Promotion within the current work area or to other services within the Council
- Transfer within the current work area or to another service within the Council
- Acting up arrangements

- Secondment to another Service within the Council
- Accelerated incremental progression within existing grade
- Regrading from one grade to another
- Any bonus or overtime payments proposed
- Any honorarium payments proposed

3. Both parties agree that they will not share confidential information and will not reveal to each other any information known about the other with regards to their employment at Carmarthenshire County Council.

4. Both Parties will not be involved in any interview process which involved the other party.

5. If there is any grievance, disciplinary, redundancy or similar situation involving either party then the other party will not be involved in this process unless they are a material witness required to do so by the head of service or investigating officer. (Who would be made aware of this protocol).

6. Where something is not specifically referred to in this protocol it is agreed that the spirit of the protocol will be observed.

7. Should the relationship cease the protocol will remain in force until Carmarthenshire County Council no longer employs one of the parties.

8. Both parties will receive a copy of this signed agreement

9. A copy of the signed agreement will be held on the relevant parties personnel file(s)

The following parties have signed the protocol and will ensure adherence to it.

Name party 1

Name party 2

Date:

Date: