

HAMPSHIRE COUNTY COUNCIL

Committee:	Employment in Hampshire County Council Committee
Date:	11 November 2021
Title:	Close Personal Relationships at Work Policy
Report From:	Director of HR, OD and CES

Contact name: Andy Bailey

Tel: 0370 7790443 **Email:** andy.bailey@hants.gov.uk

Purpose of this Report

1. The purpose of this paper is to seek EHCC agreement to implement a new Close Personal Relationships at Work policy for the Council.

Recommendation(s)

2. It is recommended that EHCC agree to implement a Close Personal Relationships at Work policy as attached at Appendix A of this paper.
3. It is further recommended that EHCC delegate, to the Director of Human Resources, Organisational Development and Communications and Engagement Services, the authority to make any final amendments to the Close Personal Relationships at Work policy prior to its implementation following the conclusion of consultation with Trade Union representatives and departmental management teams and any ongoing minor amendments that arise from the future application of this policy.

Executive Summary

4. The Close Personal Relationships at Work policy defines how the Officers' Code of Conduct will be applied in the workplace. The policy requires managers to avoid being in the line management chain of someone with whom they are in a close personal relationship. There are also some roles where there are no circumstances under which such relationships can be allowed.
5. Where such relationships exist, the working arrangements will be reviewed to ensure appropriate mitigations are in place to avoid any possible or

actual conflict of interest, perception or accusation of bias, favouritism or prejudice - both towards the individuals that are in a close personal relationship and towards the County Council. Those arrangements will be subject to senior management approval and regular review.

Contextual information

6. There have been a small number of instances where close personal relationships were a factor in performance or misconduct cases. These cases have highlighted some of the challenges that can arise from close personal relationships within the workplace. If not declared and then managed appropriately, such relationships can result in significant negative impact on service performance, financial costs, and legal risk to the Council.
7. The Officers' Code of Conduct requires our workforce to give the highest possible standards of service to the public. The Code sets out expectations for our employees regarding close personal relationships – with other employees, suppliers, contractors, or with councillors.
8. To ensure that close personal relationships do not negatively impact upon performance, service delivery, or the ability to manage, it is important that staff are aware of the Council's expectations with regards to 'close personal relationships at work'. It is therefore our intention to implement a policy to support the Code of Conduct that will describe in practical terms the expectations as set out in the Code.
9. The policy strikes a balance between ensuring staff retain their right to a private life whilst also ensuring the Council's right to protect its interests with regards to managing its people and providing the highest possible standards of service to the public.

Close Personal Relationship – Definition

10. A close personal relationship is a relationship which a manager/senior manager has determined is so close or is of a nature that there is a potential for conflict of interest, or perception of conflict of interest. The following list provides some examples, but this list is not exhaustive.
 - i. Employees or applicants who are married, in a civil partnership or cohabiting, or dating, or in a sexual, or intimate relationship,
 - ii. Immediate family members of the applicant or employee, including those formed through legal arrangements such as marriage, civil partnership, adoption e.g., parents and step-parents, son and daughter, siblings, grandparent and grandchild, mother-in-law, father-in-law, sister/brother-in-law, son/daughter-in-law.

- iii. Other relations of the applicant or employee, e.g., extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom the relationship is as close as the relationship to those described in (i) or (ii) above.
11. A close personal relationship can be with an existing or future employee, manager or team member, a volunteer, a contractor or supplier, service user, or Councillor of Hampshire County Council or a related organisation with whom an employee interacts regularly as a result of their employment.
 12. Close personal relationships include pre-existing relationships as well as relationships that develop between employees whilst in employment.

Key Policy Requirements

13. The key policy provisions state;
 - Employees and Applicants will declare close personal relationships to their manager or their recruiting manager at the earliest opportunity
 - Managers will avoid being in the same line management chain as an employee with whom they are in a close personal relationship
 - Managers will seek to avoid asking employees to work immediately alongside someone with whom they are in a close personal relationship
 - Employees will not be involved in the recruitment process if they have a close personal relationship with the applicant
 - Managers will not normally recruit someone into a team or service area if they will work immediately alongside an employee that they have a close personal relationship with
 - Employees will not be directly involved in decisions regarding pay, role evaluation, authorisation of expenses, promotion, job opportunity, redundancy, misconduct, grievance or any other matters that impact pay or the employment relationship, of someone with whom they are in a close personal relationship
 - Employees will avoid approving or authorising any decisions regarding allocation of funding, placements, access to services or any similar Council services for those with whom they are in a close personal relationship.
 - Employees will avoid being involved in the direct provision of care by Hampshire County Council, to someone with whom they have a close personal relationship
 - Any employee who has a close personal relationship with a contractor or supplier where the employee's job allows him/her authority over the contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), must not be involved in the award of that contract.

14. Where the policy states that such working arrangements will be 'avoided' or should 'not normally occur' the line manager is responsible for assessing the risks and putting in place appropriate mitigations where those circumstances arise and will be subject to approval by a senior manager.
15. The policy also recognises that there are some parts of the Council's activities where the risks of these relationships cannot be mitigated. It is anticipated that this will only occur in exceptional circumstances, for example where an individual is carrying out a role with a statutory oversight responsibility.

Implementation

16. From the date of implementation, any new recruitment decisions will be made in line with the policy. Where relationships already exist, an appropriate senior manager will consider, in light of the new policy, what risks are posed by the relationship and consider what proportionate mitigating action is required to manage those risks. The mitigations are subject to approval and will be regularly reviewed.
17. The final draft policy is contained in Appendix A and consultation with recognised unions and the organisation will be completed in November. It is recommended that EHCC delegate the authority to make any final amendments to this policy as a result of that consultation, to the Director of HR, OD and CES.
18. It is further recommended that any future minor amendments to this policy are delegated to the Director of HR, OD and CES.

Consultation and Equalities

19. An Equalities Impact Assessment (EIA) is being completed as part of the consultation process. Equalities impacts have been considered as part of the development of this policy and the draft policy has been created in a way that mitigates identified impacts. The Director of HR, OD and CES will consider whether any additional amendments to the final policy are required to mitigate any further impacts identified when the consultation has been concluded and the EIA finalised.

Climate Change Impact Assessment

20. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation and Carbon Mitigation

21. The carbon mitigation tool and climate change adaptation tools were not applicable on this occasion because the decision relates to a programme that is strategic/administrative in nature.

Conclusions

22. The policy will enable employees, workers and Hampshire County Council to avoid any possible or actual conflict of interest, perception or accusation of bias, favouritism or prejudice - both towards the individuals that are in a close personal relationship and towards the County Council.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but potentially impacts the County Council's workforce strategy

Other Significant Links

Direct links to specific legislation or Government Directives

Title

N/A

Date

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

None

Location

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An Equalities Impact Assessment (EIA) is being completed as part of the consultation process. Equalities impacts have been considered as part of the development of this policy and the draft policy has been created in a way that mitigates identified impacts. The Director of HR, OD and CES will consider whether any additional amendments to the final policy are required to mitigate any further impacts identified when the consultation has been concluded and the EIA finalised.



Hampshire
County Council

Hampshire County Council's
Close Personal Relationships at Work Policy
-DRAFT-

1. Policy Statement

- 1.1. Hampshire County Council recognises that employees who work together may have or form close personal relationships. It is necessary to ensure that all employees/workers behave, and are perceived to behave, in an appropriate and professional manner at work and in accordance with the Officers' Code of Conduct set out in the constitution.

2. Scope

- 2.1. This policy applies equally to all employees and workers in a Hampshire County Council department (i.e., outside of schools) regardless of their job, level of seniority, or protected characteristic. The term 'employees' is used in this policy to mean both employees and workers of Hampshire County Council.
- 2.2. The policy also applies to individuals that apply to work for Hampshire County Council – referred to as 'applicants' in this policy.
- 2.3. Although this policy references relationships with Councillors, this policy does not apply to Councillors as they are governed by a separate Code of Conduct.

3. Policy outcomes

- 3.1. This policy sets out actions the Council will take to ensure that close personal relationships at work do not have an adverse impact in the workplace or on the reputation of the Council.
- 3.2. This policy sets out the provisions of the Officer's Code of Conduct in the constitution. All employees are contractually required to abide by the Code of Conduct.
- 3.3. The Code of Conduct and this policy enables employees, workers, and Hampshire County Council to:
- avoid any possible or actual conflict of interest, perception or accusation of bias, favouritism or prejudice - both towards the

individuals that are in a close personal relationship and towards the County Council.

- ensure that all employees and workers feel confident of fair treatment without the fear that a close personal relationship will influence their or other colleague's treatment or broader working relationships
- ensure that professional boundaries are maintained

4. Definition of close personal relationship

- 4.1. A close personal relationship is a relationship which a manager/senior manager has determined is so close or is of a nature that there is a potential for conflict of interest, or perception of conflict of interest. The following list provides some examples, but this list is not exhaustive.
- i. Employees or applicants who are married, in a civil partnership or cohabiting, or dating, or in a sexual, or intimate relationship,
 - ii. Immediate family members of the applicant or employee, including those formed through legal arrangements such as marriage, civil partnership, adoption e.g., parents and stepparents, son and daughter, siblings, grandparent and grandchild, mother-in-law, father-in-law, sister/brother-in-law, son/daughter-in-law,
 - iii. Other relations of the applicant or employee, e.g., extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom the relationship is as close as the relationship to those described in (i) or (ii) above.
- 4.2. A close personal relationship can be with an existing employee, or applicant, manager or team member, a volunteer, a contractor or supplier, service user, or Councillor of Hampshire County Council or in a related organisation with whom an employee interacts regularly as a result of their employment.
- 4.3. Close personal relationships include pre-existing relationships as well as relationships that develop between employees whilst in employment.

5. Principles

- 5.1. The Council recognises that close personal relationships as defined above may exist or develop within the organisation.
- 5.2. Any disclosure relating to a close personal relationship under the terms of this policy will be treated sensitively, fairly and with an appropriate level of confidentiality.
- 5.3. Wherever possible, a manager will agree, with both parties, a resolution to any issues raised because of close personal relationships at work. However, the manager reserves the right to impose a solution if an agreed approach cannot be achieved.
- 5.4. The misconduct policy may be used to deal with breaches of this policy, which includes failure to disclose a close personal relationship that an employee themselves is in.

6. Policy

- 6.1. Any employee who is involved in a close personal relationship, must not allow that relationship to influence their conduct at work in a way that could be, or be perceived to be, detrimental to the interests of the Council or to other employees.
- 6.2. Employees and applicants are required to declare a close personal relationship to their manager, or the recruiting manager at the earliest opportunity.
- 6.3. Applicants will be asked to declare any existing close personal relationships on their application form.
- 6.4. Any declaration should be treated with confidence and recorded in the interview notes for a candidate, or the electronic personnel file for an employee.
- 6.5. Managers will avoid being in the same line management chain as an employee with whom they are in a close personal relationship. Where this does occur, it is subject to the senior manager completing a risk assessment, documenting mitigations and approval as set out in the departmental governance matrix.
- 6.6. In limited circumstances there will be some roles, where due to safeguarding or service requirements, an individual must not be in a close personal relationship with an employee in the same line management chain. The department will be responsible for determining and communicating any such requirements in accordance with the departmental governance matrix.
- 6.7. Managers will seek to avoid asking employees to work immediately alongside someone with whom they are in a close personal relationship. Where this does occur, it is subject to the line manager completing a risk assessment, documenting mitigations and approval as set out in the departmental governance matrix.
- 6.8. Employees will not be involved in the recruitment process, including shortlisting, interview or selection decision if they have a close personal relationship with the applicant.
- 6.9. Managers will not normally recruit someone into a team or service area if they will work immediately alongside an employee that they have a close personal relationship with. Where this does occur, it is subject to risk assessment, mitigation and approval as set out in the departmental governance matrix.
- 6.10. Employees will not be directly involved in decisions regarding pay, role evaluation, authorisation of expenses, promotion, job opportunity, redundancy, misconduct, grievance or any other matters that impact pay or the employment relationship, of someone with whom they are in a close personal relationship whether this has been declared under this policy or not.

- 6.11. Employees will avoid approving or authorising any decisions regarding allocation of funding, placements, access to services or any similar Council services for those with whom they are in a close personal relationship.
- 6.12. Employees will avoid being involved in the direct provision of care by Hampshire County Council, to someone with whom they have a close personal relationship. See Section 13 for further details.
- 6.13. Any employee who has a close personal relationship with a contractor or supplier where the employee's job allows them authority over the contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), must not be involved in the award of that contract.
- 6.14. An employee must not engage in any work-related activities with the named contractor following the disclosure of a close personal relationship unless this has been agreed in accordance with the departmental governance matrix.

7. Relationships formed whilst in post

- 7.1. Employees are expected to disclose, at the earliest opportunity, any relationships that have developed into a close personal relationship as defined in section 4.

8. Relationships formed whilst in post, where the close personal relationship is with someone in the same line management chain

- 8.1. The appropriate senior manager within the team or service group should, in consultation with HR operations and both employees:
 - i. make alternative supervision/line management arrangements for the team member(s) or seek approval for this to continue in line with the governance matrix.
 - ii. consider more specific operational issues and what other actions may be proportionate and appropriate to address the issues this policy seeks to address.
 - iii. assess any impact on service users and the public, including issues relating to trust and confidence and the public image of the Council.
 - iv. agree with the individuals concerned what, if any, communications are issued to colleagues e.g., any agreed adjustments etc., to manage any current or potential concerns or issues arising. However, in principle such relationships should be treated in confidence unless all individuals involved agree to make it public.
- 8.2. Following consideration of the above points and anything else that is particularly relevant to the circumstances, the appropriate senior manager will seek to agree with both employees, a suitable course of action to effectively manage the risks and issues identified. That course of action must be clearly defined, documented, communicated in writing and

managed/reviewed as appropriate. Any actions must be proportionate to the risks/issues identified.

9. Relationships formed whilst in post, where the close personal relationship is between employees in the same team or service area

- 9.1. The specific operational needs will be considered by the appropriate manager (see section 8) and any issues/risks will be identified, discussed with the employees and appropriate actions agreed. Any actions must be proportionate to the risks/issues identified.

10. Risks and issues that cannot be managed effectively, or with agreement

- 10.1. Where any issues identified cannot be managed effectively, or the individuals within the relationship feel uncomfortable remaining within the same team (including after the breakdown of a relationship), a discussion should take place with both employees to explore whether a transfer to another team, service or location might be the most appropriate way forward.
- 10.2. When discussing such an issue there should be no assumptions made, on gender, status/grade, length of service 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 both individuals involved are considered, balancing this with the needs of the service and the issues that present themselves.
- 10.3. Transfer
- 10.4. A transfer could mean a move to a different team, service or directorate, or a move to a different location for one or both the employees.
- 10.5. Wherever possible the transfer should be to a 'suitable alternative' post on the same terms and conditions as the employee's current post. Redeployment will be sought with transferees being given priority for vacant posts, after prior consideration of any redeployees on the grounds of redundancy or ill-health capability.
- 10.6. Of the two employees involved in the close personal relationship, the Council is likely to consider transferring the employee whose skills, experience and knowledge could be more easily deployed elsewhere and/or has the least impact on the functioning of the team or that facilitates the most effective provision of services.
- 10.7. Dismissal
- 10.8. Dismissal will only be considered as a last resort, where the risks cannot be mitigated and/or the employee has not found suitable alternative employment.

11. Personal Relationship Breakdowns

- 11.1. If the close personal relationship breaks down, all involved employees should ensure that no acts that could be interpreted as personal

arguments or disagreements occur at work. Such employees must inform their manager so that any mitigations can be reviewed and updated as appropriate.

- 11.2. The employees should ensure that the breakdown of their close personal relationship does not bring the reputation of the County Council into disrepute.
- 11.3. Employees are reminded that they may access the employee support services <https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employee-support>

12. Raising concerns about personal relationships at work

- 12.1. Any employee who feels that the close personal relationship of other team members or colleagues is adversely affecting their employment, the functioning of the team or the provision of services is encouraged to share their concerns with their line manager or a more senior manager under the Resolving Workplace Issues policy, or under the Whistleblowing Policy if it meets the criteria set out in that policy.
- 12.2. Employees in a close personal relationship who feel they are being disadvantaged because of that relationship should also raise concerns through the Dignity at Work policy.

13. Personal Relationships with Service Users

- 13.1. The County Council has a duty of care to all service users. Employees must not engage in close personal relationships with service users that they have met as a result of their employment.
- 13.2. It is the responsibility of the employee to maintain each relationship within its own appropriate professional boundary. Employees may experience vulnerable patients disclosing intimate or personal matters, which allow potential for these discussions to be misinterpreted.
- 13.3. If an employee becomes subject to inappropriate comments or behaviours from a patient/service user, they must inform their line manager immediately.
- 13.4. In a large organisation, it is recognised that some employees may have pre-existing close personal relationships with individuals who may at some point become service users, for example relatives, friends etc. If this occurs, the employee must inform their line manager immediately of this relationship. Consideration will be given as to whether there are any potential boundary conflicts.
- 13.5. Each situation will be assessed on a case-by-case basis, and appropriate action will be taken. This action may include the service user being cared for by another employee, another employee managing their case or the implementation of appropriate safeguards and mitigations.
- 13.6. The employee must not access any records of those with whom they are in a close relationship, without approval from their line manager. This will

be considered a non-authorised access to records and may result in action taken in line with the misconduct policy.

- 13.7. If an employee becomes concerned that a personal relationship is developing between a colleague and a service user, they have a responsibility to inform their line manager or more senior manager – section 12.

14. Provision of References

- 14.1. An employee must not provide an employment or financial reference, on behalf of Hampshire County Council, for someone with whom they are in a close personal relationship. This includes providing a reference on headed paper, or via a work email address or providing a reference that refer to the referee's role, or the fact they are employed by the Council.

15. Roles and Responsibilities

- 15.1. Managers are responsible for:

- Ensuring that they are familiar with the Code of Conduct for Officers, this Policy and how to guide
Promoting a culture of openness and transparency regarding personal relationships at work.
- Taking prompt action where there is a conflict of interest or perceived conflict of interest or there is a breach of this policy/code of conduct

- 15.2. Senior Managers are responsible for:

- Ensuring that managers and staff are familiar with the Code of Conduct for Officers, this Policy and how to guide.
- Determining the departmental Governance approval matrix.
- Determining which roles, where due to safeguarding or service critical reasons, an individual must not be in a line management chain.
- Approving line management arrangements for employees who are in a close personal, to allow them to continue working together.

- 15.3. Employees/workers are responsible for:

- Declaring any close personal relationship at the earliest opportunity.
- Ensuring that any personal relationship at work does not interfere with their duties and responsibilities and does not give rise to a conflict of interest, abuse of power or favourable treatment.
- Working positively with their manager to accommodate any reasonable changes to their work arrangements that are required to avoid potential conflicts of interest through personal relationships at work.

- 15.4. HR operations are responsible for:

- Providing support and guidance to employees and managers on the implementation and application of this policy.

16. Policy Governance

SharePoint ID:	TBC
Date of publication:	V1.0 TBC
Owner:	HR Operations