



Close Personal Associations / Relationships at Work Guidance for Schools

Effective : September 2017



CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

1. INTRODUCTION

- 1.1 [Insert Name of School] recognises that a significant number of close personal associations / relationships are formed at work. Situations also arise within the school where parent and child, grandparent / grandchild, siblings or other relatives are employed within the same school.
- 1.2 In the majority of cases, it is unlikely that an association / relationship between colleagues would have any impact on the work of the school. 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 Headteacher / line manager;
 - Perception of service users or the general public in relation to the professionalism and fairness of the school and its employees;
 - Operational issues affecting the ability to deliver the service effectively; and
 - Conflicting loyalties and breach of confidentiality.
- 1.4 The purpose of this guidance is, therefore, to assist Headteachers, Governing Bodies, managers and the HR Team 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 employees', treatment or broader working relationships.

2. SCOPE

This guidance will apply to Governors and staff working in the school, except those who are directly employed by the Local Authority.

3. PRINCIPLES

- 3.1 To avoid any accusation of bias, employees and Governors 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, promotion or pay adjustments for that employee.

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3.2 The aim is to build a school 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 school 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 school;
- Managing issues involving close personal associations / relationships at work promptly, effectively, fairly and lawfully; and
- Describing the types of close personal associations / relationships at work that the school considers inappropriate.

3.3 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 school's Disciplinary Policy & Procedure, and Grievance Policy & Procedure.

4. ROLES AND RESPONSIBILITIES

4.1 Headteacher / Governors / 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; and
- Deal with any matter requiring formal disciplinary action using the Disciplinary Procedure.

4.2 Employees (which includes the Headteacher) 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; and
- Raise concerns with the line manager, Headteacher or Governor promptly.

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4.3 Human Resources will:

- Provide advice and guidance to Headteachers, Governing Bodies, Managers and employees relating to close personal associations / relationships at work;
- Ensure consistency in the application of this guidance; and
- 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 (or governor) 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. parent, son / daughter, brother / sister, grandparent / grandchild;
- Other relations of the applicant or employee e.g. extended family such as aunts / uncles, cousins, nieces / nephews;
- Any other individuals with whom there is a close personal association e.g. close friendships or relationships, business associates (outside the school). It also includes a previous association e.g. former spouse, where there could be a degree of bias;
- A person with whom you are / have been in conflict or dispute; and
- Where any employee is uncertain about whether an association should or should not be declared, s/he should err on the side of caution and declare it to their line manager, Headteacher or Governing Body at the school (depending on whether the close personal association / relationship relates to the above). The key test is whether such an association could be seen to affect an individual's personal judgement.

6. RECRUITMENT AND APPOINTMENT OF EMPLOYEES

6.1 Participation in the appointment process

To avoid any accusation of bias, an employee, Headteacher, Governor or Manager 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.

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6.2 Requirement to disclose a close personal association

All applicants are required to disclose on the recruitment application form if they are related to a Councillor, School Governor or employee of the School / Authority.

Applicants are asked to state the name of the person and the nature of 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 the Headteacher, Governor, Manager or Councillor for any appointment within the school will be disqualified from continuing the recruitment process for that post.

6.3 Where there is a relationship between an applicant and the Headteacher, Governor or Manager

Where the applicant, if appointed, would work in the same school as 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 the appointment would be appropriate taking into account operational issues and standards.

The type of issues that should be explored could include:

- Issues in relation to finance and procurement roles and responsibilities within a job which are governed by Financial Procedure Rules for Schools;
- Potential conflict of interest and confidentiality issues, including the impact on the perceptions and employee relations within the school; and
- Impact on pupils or the general public, including issues relating to trust and confidence and the public image of the school.

6.4 Authority to Appoint

Where, following consideration of all the factors above, the appointing Headteacher or Governor considers that a candidate can be appointed, despite a declared relevant close personal association, they should seek approval from the Governing Body.

To avoid questions arising later, the Headteacher or Governing Body are 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.

7. WHERE AN ASSOCIATION DEVELOPS BETWEEN A HEADTEACHER, GOVERNOR OR MANAGER AND A TEAM MEMBER

7.1 Where a close personal association involves the above:

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- Consider making 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 manager¹ 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 Procedure Rules for Schools;
- Assess any impact on pupils and the general public, including issues relating to trust and confidence, and the public image of the school; and
- Consider if it is appropriate to communicate such agreed adjustments etc. to other colleagues in the school to manage any concerns.

7.2 Expectations should be clearly defined and managed as appropriate. Refer to protocol in Appendix A.

8. COLLEAGUES AFFECTED BY A CLOSE PERSONAL ASSOCIATION

Employees who feel they are affected by a close personal association at work, involving other colleagues, should feel that they can approach their line / senior manager, Headteacher, Governor and / or HR team at any time and without prejudice, to discuss their concerns.

9. PROVISION OF REFERENCES

When providing references, the referee should make clear whether they are providing a personal reference on behalf of a colleague, or a formal reference on behalf of the school. This is in line with the Authority's Reference Guidance.

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

10. FINANCIAL REGULATIONS

Where a close personal association might exist between two individuals involved in financial transactions, the Financial Procedure Rules for Schools should be followed

¹ 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 (this does not apply to Teachers).

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to ensure the appropriate separation of duties, probity and other financial safeguards are followed.

11. ASSOCIATIONS WITH CONTRACTORS OR POTENTIAL CONTRACTORS

11.1 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 line manager or Headteacher; or Governing Body if they are themselves are the Headteacher.

11.2 All employees involved in procurement within the school are required to comply with the Financial Procedure Rules for Schools.

12. 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 School's Disciplinary Policy & Procedure.

13. ENSURING EQUALITY OF TREATMENT

The school is committed to ensuring equality in everything that we do. The Equality Act 2010 has replaced and strengthened all previous equality legislation. This Policy must be applied consistently to all employees irrespective of age, disability, gender (sex), gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

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 and procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:

PMPBusinessSupportUnit@carmarthenshire.gov.uk

This Guidance is also available in welsh

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APPENDIX A.

OFFICERS DECLARATION OF PERSONAL INTERESTS

Before considering whether you need to complete this form, please ensure that you are familiar with the School'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 School - 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:	_____	Employee No.:	_____
School:	_____		
Post	_____		
Title:	_____		

DECLARATION

I hereby disclose the following personal interests:

Signed: _____ Date: _____
(Employee)

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APPENDIX A.

FOR OFFICE USE ONLY

No action required*
Mitigating action to be taken as detailed below*
Referred to Headteacher*
Referred to Chair of Governors*

Signed: _____
(Line Manager)

Date: _____

No action required*
Mitigating action to be taken as detailed below*
Referred to Chair of Governors*

Signed: _____
(Headteacher)

Date: _____

ACTION BOX

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

Signed: _____
(Nominated Officer)

Date: _____

To the employee - Please ensure that you retain the 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.

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STRICTLY CONFIDENTIAL

APPENDIX B.

RELATIONSHIP PROTOCOL

Introduction

The following protocol is agreed to ensure probity between parties.

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

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, Headteacher or Governor:
 - Travel claims;
 - Subsistence claims;
 - Training course attendance;
 - Development programmes;
 - Attendance at conferences;
 - Changes to PC access or set up;
 - Time off; and
 - Purchase of new equipment.

The more senior officer in structural terms will not authorise any of the above. Alternative arrangements will be agreed.
2. The following will require the Headteacher or Governing Body (depending on the close personal association) to approve and countersign any proposals which involve the less senior officer in structural terms.
 - Promotion within the current work area or to other services within the school;
 - Transfer within the current work area;
 - Acting up arrangements;
 - Accelerated incremental progression within existing grade;
 - Re-grading from one grade to another;
 - Any bonus or overtime payments proposed; and
 - 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 the school.
4. Both Parties will not be involved in any interview process which involved the other party.

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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 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 (insert name of the school) no longer employs one of the parties.
8. Both parties will receive a copy of this Protocol.