

Draft

Wiltshire Council Human Resources

Personal Relationships at Work and related matters Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy and procedure sets out Wiltshire Council's approach and expectations regarding close personal relationships at work and aims to assist managers to work sensitively with employees and job applicants to identify and resolve potential conflicts of interest which may arise as a result of a close personal relationship at work.

The policy also covers the issue of bringing pets and children in to the workplace.

This policy and procedure is linked to expectations and standards of behaviour for local government employees set out in the council's [code of conduct](#) and the [council's financial regulations](#) regarding close personal relationships and financial transactions.

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Who does it apply to?

This policy applies to all Wiltshire Council employees and job applicants (with the exception of teaching and non-teaching staff employed in locally managed schools).

The expectations in relation to standards of behaviour and the resolution of potential conflict of interests relating to close personal relationships at work also extends to cover relationships with contractors, sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements or those tendering for work with the council etc

This is a harmonised policy and applies to both Wiltshire Council and TUPE employees.

When does it apply?

This policy applies during the recruitment process and throughout employment.

When does it not apply?

There are no exemptions under this policy and procedure.

What are the main points?

1. It is recognised that there will inevitably be close personal relationships at work (see definitions section below) including those that already exist and those that develop during the course of employment/work with the council. Whilst not all such situations raise issues of conflict of interest, this is not always the case (see [code of conduct](#) for further information relating to 'interests').
2. If you are in a close personal relationship with someone at work the provisions of this policy and procedure are intended to assist you and your manager to identify and take action to avoid any possible conflict of interest, perception or accusation of bias, favouritism or prejudice or potential breach of confidentiality which may arise as a result of your personal relationship at work.
3. It is also intended to ensure that other employees feel confident of receiving fair treatment without the fear that a close personal

relationship will influence their or other employees' treatment or broader working relationships.

4. If you are in a close personal relationship and one of you has a line management/supervisory responsibility for the other or you work within a team or across a function with each other you may be particularly affected by these types of potential accusations and conflicts of interest.
5. The provisions of this policy should also allow the effective management of those occasions when close personal relationships are breaking down, or end, so allowing both parties to maintain a professional working relationship with each other.
6. All employees are expected to behave in a professional manner appropriate to their role. You are expected to comply with the code of conduct, the council's financial regulations and the behaviours framework policy and procedure. If you are involved in a close personal relationship at work you will need to ensure that you comply with these requirements at all times in relation to your behaviour towards each other in the work environment.
7. All references to line managers also include those with supervisory responsibilities.

Definition of close personal relationship

8. For the purpose of this policy the definition of a close personal relationship includes but is not exclusive to:
 - married/civil partnership/co-habiting
 - sexual/romantic partner
 - children, parents, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews and cousins (blood relative/relative in law/step relationship)
 - close personal friend
9. All employees are expected to exercise judgement as to whether or not the friendship or relationship has developed to such an extent that it can be described as a close personal relationship which potentially raises the type of difficulties, accusations or conflict of interest that this policy and procedure seeks to address.
10. Failure to declare such a close personal relationship, which leads or could potentially lead to a conflict of interest situation could result in disciplinary action for the employees concerned. Declarations should be made in writing to your manager or appropriate senior manager.

Appointment of employees and contractors

The recruitment and selection process

11. The council has a clear [equality and diversity policy and procedure](#) and all appointments of employees, awarding of contracts for work with the council (including contractors, consultants, agency employees) and work experience etc must be made in accordance with council policy and based on merit to avoid direct and indirect discrimination and accusations of bias.
12. If you are applying for a vacancy with the council you will be asked on the application form whether you are related to or have a close personal relationship with any elected councillors or employees of Wiltshire Council.
13. Managers and other employees/contractors responsible for recruitment and selection (no matter how short-term) must:
 - declare (to their manager or appropriate senior manager) if they are in a close personal relationship with any of the candidates as soon as they are aware that they have been shortlisted.
 - not be involved in any stage of the recruitment process
14. Managers and other employees/contractors involved in the recruitment and selection process, who have concerns that other relationships not listed in the definitions may impact on their ability to sit on a selection panel, should raise this matter with their line manager.
15. These provisions also apply to the appointments under the [Apprenticeship Scheme](#).
16. Deliberate omission to make such a disclosure on an application could disqualify you as a candidate or contractor for appointment and if the omission is discovered after appointment you may face disciplinary action.

Appointments where there is a line management responsibility and a close personal relationship

17. If you apply for a role and you are in a close personal relationship with someone who you would line manage or be managed by, if you were appointed to the role, careful consideration will need to be given to your application by the recruitment and selection panel as set out below.
18. Your interview will involve an exploration of the potential impact of the relationship including the possibility of conflict of interests,

confidentiality issues, vulnerability to accusations or other operational difficulties including the potential need to make alternative supervision/line management arrangements (please see para. 29 and guidance).

19. Following this discussion, you may be offered the post where the panel is satisfied:
 - that the impact will be minimal or
 - you have demonstrated sufficient awareness of potential difficulties and
 - that effective steps can be taken to mitigate any potential conflicts or risks and
 - they wish to pursue an appointment as in all other respects you are the person they wish to appoint.
20. The panel should seek agreement with the line manager (who will not have been part of the interview process) and the appropriate service director prior to confirming the appointment.
21. Where steps have been identified at the interview to mitigate any potential conflicts or risks these steps should be followed up and action taken by the line manager or where appropriate the line manager's manager. This could include, where appropriate, discussions with the team where they are affected by the impact and this approach has been discussed and agreed with you. A note of the discussion and actions connected to this should be placed on your personal file.

Appointments where there is no line management responsibility and a close personal relationship

22. If you are appointed, transferred or promoted to work in a team, department or work cross function with another employee, contractor who you have a close personal relationship with as defined in this policy, but not in a line management relationship, this should also be declared on your application form.
23. This should be discussed as part of the selection process to determine whether potential conflicts of interest, confidentiality issues or vulnerability to accusations which this policy seeks to address could arise and if so what action or measures should be taken, if any to resolve these (see guidance).
24. The panel should seek agreement with the appropriate service director prior to confirming the appointment.

25. If you are appointed and steps have been identified at the interview to mitigate any potential conflicts or risks these steps should be followed up and action taken by the line manager. Where appropriate, this could include discussions with the team where they are affected by the impact and this approach has been discussed and agreed with you. The relationship will be noted on your personal file.

Close personal relationships which already exist or which develop during the course of employment

Existing relationships where a line manager responsibility is involved

26. It is recognised that there will be some existing team situations where you might be managed/supervised by someone who you are in a close personal relationship or alternatively a close personal relationship may have formed since your appointment.
27. Ideally you should not be line managed by an employee or contractor who you are in a close personal relationship with as defined in this policy and where possible this should be avoided but full consideration should be given on a case by case basis as set out below.
28. If you are in a close personal relationship with your line manager you should declare this to your line manager's manager who will arrange to meet with you to discuss the implications of the close personal relationship on your work. The discussion should focus on whether there are any potential conflicts of interest, confidentiality issues or vulnerability to accusations which this policy seeks to address which could arise and if so what action or measures should be taken, if any to resolve these (see guidance).
29. Line managers who are in a close personal relationship with an employee or contractor who they line manage are also responsible for making a declaration to their head of service who will arrange to meet with them to discuss potential conflict of interest issues etc as outlined above.
30. If you are being line managed by someone who you are in a close personal relationship with they should not be involved in any decisions relating to your:
- pay, pay adjustments including expenses or allowances
 - working hours
 - changes to job role
 - recruitment or promotion
 - holiday requests
 - grievance
 - disciplinary

- appraisal
31. Other employees/contractors who also have an involvement with aspects of the matters above should also declare if they are in a close personal relationship with you (as above) and remove themselves from any discussions/correspondence relating to these matters.
 32. Your head of service should seek to make alternative line management arrangements in terms of these duties and any others which have been identified as a potential source of concern. Alternatively it may be possible to relocate one or both of the parties following individual consultation with both parties concerned and with their agreement. There is an expectation that employees will fully co-operate with efforts to establish alternative arrangements.
 33. The relationship and any outcomes of meetings will be recorded on the relevant personal file.

Existing relationships where there is no line manager relationship involved

34. If you are in a close personal relationship with another employee, contractor which has developed since your appointment and you work in a team establishment or cross function, this should be declared at the earliest opportunity, in writing, by both parties to the appropriate line managers.
35. Your manager should work with you to identify any potential risks or conflicts of interest within team or across teams (using the guidance attached) and where possible an agreement will be reached on how any risks will be managed. If there is a potential risk which could affect the operation of the team or service then after consultation the following actions may be taken:
 - a change of duties of one or both of the parties
 - a change of shift pattern to ensure working together is kept to a minimum
 - redeployment/relocation
36. The relationship and any outcomes of meetings will be recorded on the relevant personal file.

Where a relationship breaks down

37. If you are in a close personal relationship and work together within the same team, department or across function and that relationship breaks down or ends, you should declare this to your manager or if the relationship involves the team manager the next senior manager in the

structure. Your manager will meet with you to discuss the potential impact on team relationships and service delivery.

38. Where it is envisaged that the breakdown of the relationship could or will cause ongoing negative workplace issues your manager will work sensitively with you to try and resolve these. Where appropriate this could involve external [mediation](#). Appropriate support may also be sought through the [well-being helpline](#).
39. Where resolution is not achieved and the breakdown of the relationship becomes untenable and/or has an impact on team members or the delivery of the service your manager should consult their HR advisor.

Provision of references

40. Please refer to the [guidance on the provision of references](#) under the recruitment policy and procedure.

Where other colleagues feel affected by a close personal relationship

41. If you feel that you are being negatively affected by a close personal relationship at work involving your colleagues you should raise your concerns with either your line manager or if the issue concerns your line manager the next senior manager in the structure. Where the situation is not resolved you should raise a grievance following the council's [grievance policy and procedure](#).

The provision of work experience/placements

42. If you are applying for work experience/placements, recruitment should operate through the proper [work experience](#) channels.
43. Where a request for work experience or a placement is made to an employee directly, they should refer the request to their line manager or to HR under the work experience arrangements.
44. The provisions relating to appointments and line management set out in this policy and procedure will apply.

Bringing children in to the workplace

45. It is your responsibility to ensure that adequate childcare arrangements are in place whilst you are engaged in working activities. However, the council recognises that there may be occasions when child care arrangements fail and you may have to bring your child into work in order to cancel prior engagements or make any necessary hand-over of work. It is not acceptable to bring your child to work with the intention of continuing your normal work.

46. Children who accompany you on a brief visit to council premises do not present an issue unless they are exposed to health and safety risks in that particular environment. In cases where your child does accompany you to work, you must accept responsibility for the welfare of your child and minimise disruption to the normal flow of work.

Bringing pets into the workplace

47. You are not allowed to bring animals (apart from assistance dogs e.g. for a sight impairment) into council workplaces, including council vehicles.

Roles and responsibilities

Employee responsibilities

48. To comply with the standards and expectations of behaviour for employees as set out in the council's [code of conduct](#), the council's [financial regulations](#), the council's behaviour framework policy and procedure and this policy.
49. In accordance with these policies to ensure that any close personal relationship at work does not conflict, interfere with or prejudice your employment or professional responsibilities.
50. To comply with the requirements of the Data Protection Act and ensure that you do not disclose confidential information connected with working for the council with someone you are in a close personal relationship with.
51. To declare any personal relationship as set out in this policy and procedure to your manager or appropriate senior manager immediately. A failure to do so may lead to disciplinary action.
52. To attend any meetings and work positively with your line manager or other senior manager to identify any potential risks or conflicts of interest which may occur as a result of a close personal relationship at work.
53. To co-operate fully in implementing any actions which arise out of these discussions.

Line manager responsibilities

54. In addition to the above line managers are also required to:

55. Implement and comply with the principles set out in this policy and procedure.
56. Ensure that employees and contractors are aware of and understand this policy
57. Carry out meetings to assess conflicts of interest or risks attached to declarations made by staff or contractors about close personal relationships at work in accordance with this policy.
58. Implement any action arising from these meetings.
59. Deal promptly, sensitively and confidentially with declarations and to agree with those concerned what information can be shared where possible.
60. Ensure that no discrimination occurs as a result of action taken under this policy and procedure.
61. Record their discussions and ensure that close personal relationships are recorded on personal files.
62. Ensure that information gained through declarations is kept strictly confidential. Personal permission from the employee concerned should be sought prior to sharing this information. (Managers should be particularly mindful that breaches of confidentiality could result in claims of discrimination e.g. outing same sex couples).
63. Seek further advice and guidance from HR over complex issues and institute formal disciplinary action where required.

HR responsibilities

64. To provide professional advice and guidance to managers to enable them to make informed management decisions.
65. To promote awareness of this policy and to update the policy where required.
66. To co-ordinate the involvement of any other stakeholders (if necessary) e.g. mediators, other HR advisors or legal.
67. To provide support in complex cases where required

Frequently asked questions

68. **I have worked in the same team for a number of years and have developed friendships with a number of my colleagues. Would these be considered as close personal relationships under this policy and procedure?**

It is natural that relationships with colleagues at work will develop and it is recognised that people will have differing views as to what makes a relationship a close personal one. The following information is offered as general guidance only. A close personal relationship at work is likely to be more than the usual relationship which develops between colleagues at work which centres around work and work related social activities. It is likely to involve seeing the other person outside of work away from the work context on a close personal friendship basis. In deciding whether a close personal relationship should be declared you should also ask yourself whether you feel that the relationship might play a part in influencing any decisions which you need to take as part of your work or whether you might be vulnerable to accusations from others that the relationship might influence your work decisions particularly in terms of bias or favouritism.

69. **I have developed a close personal relationship with another colleague in my team and we often see each other outside of work as well. I would like to apply for the post of line manager of the team we both work in, is this possible?**

You would need to make a judgement as to whether this relationship has developed to such an extent that it would be described as a close personal relationship that would make you vulnerable within the team or service area to potential accusations and conflicts of interest which this policy seeks to address. If so, you should declare the relationship to your manager in terms of your current role and the role which you would like to apply for.

If you are shortlisted for the post the interview will include an exploration of the potential areas which could cause a conflict of interest, confidentiality issues, vulnerability to accusations or other operational difficulties. The interviewing panel will need to take account of the range of management decisions which may need to be restricted as set out in this policy and the code of practice and whether it is practical to put in place alternative arrangements. If the panel consider that effective steps can be taken to mitigate the risks that have been identified and they wish to pursue your appointment in all other respects it would be possible for you to be appointed to the post.

70. **I have recently formed a romantic relationship with a colleague in another team. We do occasionally need to work together on projects. Do I need to declare this relationship?**

As above, you will need to make the judgement as to whether the relationship has developed to such an extent that it would be described as close personal relationship under this policy and procedure. If so, you should both declare the relationship in writing to your appropriate line manager.

Your manager should meet with you and work with you to identify any potential risks or conflicts of interest. This will depend on a number of factors including the frequency of contact, nature of the work, the roles which you both have and the degree of influence over these and other factors etc. If there are risks or conflicts of interest which require action your manager should where possible agree with you how these will be managed. Where there is a potential risk which could affect the operation of the team or service action may be considered as outlined in this policy and procedure.

71. **My granddaughter would like to undertake some work experience with the council and there is some work in our team that she could undertake. What can I do?**

All requests for work experience must follow the appropriate work experience recruitment process and are subject to the provision of this policy and procedure.

If you are the line manager of the team you would not be able to be involved in the appointment of a relative to a work experience placement in your team and if you wish to pursue a placement for your team you should discuss this with your line manager.

If you are not the line manager of the team you could speak to your line manager to see if they would consider a work experience placement. It will be for the line manager to decide whether a work experience opportunity is appropriate. If they wish to pursue this your manager should inform HR via HR work experience mailbox below. HR will ensure that the correct paperwork is completed and let your manager know if there are other work experience matches for this work.

Your granddaughter will either need to send her request to HR or directly to your manager. Individuals can e-mail enquiries and requests for work experience direct to HR at workexperience@wiltshire.gov.uk. HR will send out the appropriate work experience request forms.

Prior to confirming a work experience placement for your granddaughter your line manager would need to assess any potential risks associated with the fact that she is in a close personal relationship with you in line with the provisions of this policy.

72. **I recently applied for a post which I was not appointed to. The team is managed by one of my close personal friends and I am unhappy about this because I think the decision was related to my links. What can I do?**

If you are unhappy that you were not appointed to a post and you are not sure of the reasons you should initially seek feedback from the officer responsible for recruitment to this post to seek further clarity. If you remain unhappy you can raise your concern through HR for further guidance.

Equal Opportunities

This policy has been Equality Impact Assessed on 8.11.11 to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Legislation

[The Equality Act 2010](#).

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

There are a number of related policies and procedures that you should be aware of including:

- [recruitment](#)
- [code of conduct](#)
- [equality and diversity](#)
- [disability support in the workplace](#)
- [whistleblowing](#)
- [grievance](#)
- [disciplinary](#)
- [dignity at work](#)

There is also a toolkit including manager guidance to use when following this policy and procedure.

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

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