

Relationships at Work

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Human Resources

This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not so compliant, any relevant legislation shall prevail.

Changes to this policy will be subject to consultation and agreement with the University's recognised Trade Unions before implementation

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1. Scope and Purpose of this Policy

1. The purpose of this policy is to provide guidance to all University staff regarding personal relationships both within and outside, the University, in order to avoid any actual or potential conflicts of interest, misuse of authority, or allegations of inappropriate conduct etc.

2. The University values the diversity of its people and is committed to promoting equal opportunities and eliminating discrimination. Therefore the University will apply and operate this policy fairly and in doing so ensure that there is no discrimination on the grounds of race, age, gender and gender reassignment, disability, religion or belief (including lack of belief), political belief, sex and sexual orientation, trade union membership/activity or marital or civil partnership.

3. The University recognises the importance of preserving the integrity of professional relationships between members of staff as well as with students, consultants, committee members, contractors and/or suppliers and the benefits of positive working relationships. There may be circumstances however where a member of staff will need to make a declaration and withdraw from certain decision making or from undertaking certain roles or activities.

4. This policy covers all staff of the University and it should be followed where personal relationships, including close friendships, (whether past, present or prospective), overlap with working relationships and should be declared. It is intended to ensure that individual members of staff are not open to allegations of impropriety, bias, abuse of authority or conflict of interest, and that members of staff act in a fair, honest, ethical, transparent and professional manner in all their work activities and they follow all relevant policies and make declarations as appropriate.

5. All staff, regardless of position or seniority, are under a duty to disclose conflicts of interest, actual or possible, and to recognise and disclose activities that might give rise to conflicts of interest or the perception of conflicts and to ensure that such conflicts are seen to be properly managed or avoided. Such conflicts may arise for instance within the recruitment, selection, admissions, data processing, treatment (including performance/disciplinary actions), development and promotion, assessment, progression etc. of staff or students; with the authorisation of any financial payments/decisions or allocation of funding, University decision making or other activities, including procurement, or in relationships with external bodies/providers. Staff must therefore, take proper care that any conflict of interest, actual or perceived, does not arise from their position, or relationships within the University or membership of or connection with other bodies and individuals outside the University.

6. Staff are encouraged to keep their work and personal life separate and to ensure that they act professionally both when relationships are going well, and when they are not. Staff should be aware that unwanted attention or inappropriate conduct could be perceived as bullying or harassment, sexual harassment/sexual misconduct, intimidation or lead to allegations of unfair treatment whether positive or negative. Further, sexual relationships that are not freely entered into are recognised by the University as a form of harassment. The University will investigate any such complaints or allegations and take the relevant action in light of the findings.

7. All members of the University should be encouraged to demonstrate exemplary behaviour when working with children and vulnerable adults in order to protect them from abuse and themselves from false allegations. The University has a Safeguarding Policy which provides guidance on Safeguarding Children and Vulnerable Groups for staff who may come into contact

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with under-18s or vulnerable groups in the course of their work. This provides a Code of Behaviour and Good Practice and the following general principles should be adhered to by all staff:

- Safeguarding issues are to be regarded as top priority and staff are reminded that it is the welfare of the child or vulnerable group which is of a primary concern and it is their duty to report any concerns to a Designated Safeguarding Officer.
- If staff, in the course of their work at the University, have a child or vulnerable group protection issue brought to their notice, observe an incident of abuse themselves, or have cause for concern, they must treat this as a priority over other work and address the issue immediately.
- If staff wish to seek guidance with regard to a specific incident or area of concern, advice can be sought from the Designated Safeguarding Officers who may refer the matter to the Principal Safeguarding Officer or the local authority's Safeguarding Children Board/Social Care.

<http://www.brunel.ac.uk/about/documents/pdf/SafeguardingChildrenStatement.pdf>

8. This policy should, therefore, in particular be read in conjunction with the University's:

Ethical Framework and "speak-up" Policy
Conflict and Declaration of Interest Policy
Anti-Bribery Policy
Gifts and Hospitality Policy
Dignity at Work Policy
Dignity at Study Policy
Data Protection Policy
Public Interest Disclosure (Whistleblowing) Procedure
Safeguarding and Vulnerable Groups Policy

It is the responsibility of each individual to be alert to and to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, and to make a declaration.

2. Staff Relationships

The University values the integrity of professional relationships and in order that the University's business is also perceived to be conducted in a professional manner it is necessary to distinguish between, and take account of, personal relationships/close friendships which overlap with professional ones.

In the context of this document, a relationship is defined as:

- a family relationship;
- sexual/romantic relationship;
- close personal friend
- a legal relationship – marriage or civil partnership
- a business/commercial/financial relationship
- and could include those living in the same household

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Where a personal/close friendship relationship exists or existed or emerges between members of staff who are in a line management or supervisory relationship at work or a position outside the management structure but with the potential for conflict to arise, they must not be involved in recruitment, selection, appraisal, promotion or in any other management activity or process involving the other party, including business relationships unless it is declared and can be robustly managed. Additionally, staff in such a relationship should not work together or with another party in any circumstance whereby a conflict of interest, breach of confidentiality or the segregation of controls, inappropriate collusion, or unfair advantage may be perceived to be gained from the overlap of a personal and professional relationship.

Where any member of staff feels that there is a possible or actual misuse of power/authority or conflict of interest relating to a declared personal relationship, they should raise this with their Head of Department or Human Resources in the first instance or follow the applicable University Policy as above.

Head of Department/Director's responsibilities

If such a relationship existed, exists or develops, this must be disclosed in confidence to the Head of Department/College or Director as well as to the Director/Deputy Director of Human Resources, who will, where appropriate, make alternative arrangements or agree alternative solutions, and confirm them in writing.

The Head of Department/College or Director and the Director/Deputy Director of Human Resources should consult with the member of staff to identify any impact their relationship may have and take appropriate steps to minimise that risk.

However if a member of staff is uncertain as to whether or not they may be in a situation whereby a potential conflict of interest, misuse of authority or allegations of impropriety, etc. could be raised, or a Manager is uncertain as to the action they should take, they should seek guidance from Human Resources.

The Head of Department/College or Director will deal with the situation in a manner that protects the dignity and privacy of all parties, and those involved will be expected to comply with any reasonable decision or action. There will be no obligation on the parties involved to keep their relationship confidential.

Applicants for employment within the University will be asked to declare whether or not they are related to any member of the University Council, member of staff or student. The existence of a relationship between an applicant and a member of staff will not bar anyone from applying to the University for employment, but relationships must be declared. However, a relationship at work might impact or restrict a career move for one or other of the parties involved if any such appointment could lead to a direct reporting relationship being established which cannot be robustly managed.

3. Relationships between Staff and Students

The University believes that the professional relationship between a student and a member of staff is crucial in a student's educational development and acknowledges that the teaching relationship must be based on trust, confidence and effective communication. In this context a professional relationship is defined as one where there is an assessment, supervising, tutoring,

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teaching, mentoring, pastoral role or the award of any studentships, prizes or other grants to the student. This may also include relationships where a member of staff has access to personal data or is involved in the recruitment/admission or other educational activity that may impact on a student, whether or not in an advantageous or negative way.

Whilst staff are expected not to enter into a sexual/romantic relationship with a student for whom they have a professional responsibility as above, the University recognises that such relationships may exist when a member of staff is appointed or when a student enrolls, or a relationship may develop between a member of staff and a student during a course of study. Where a member of staff has a personal relationship with a student in this capacity, it is the responsibility of that member of staff to inform his or her Head of Department of the need to make alternative teaching, tutoring, supervision or assessment arrangements.

In the case of research students:

- No research student will be accepted for study under the supervision of a member of staff with whom a personal relationship exists or existed (See 2 above for definition of a personal relationship);
- in a case where a close personal relationship develops between a research student and his/her supervisor after the commencement of study, the member of staff is required to declare it to his/her Head of Department, who will be asked to make alternative supervision arrangements

In the case of students following Professional programmes of study

Staff who become aware of relationships between a student and a professional who is acting on behalf of or in collaboration with the University, such as a placement educator/tutor/supervisor or other external partner, should advise the student to declare this to their Programme Lead or Head of Department, who may need to make alternative arrangements. This also applies to students on programme placements (such as industry placements). If a student is experiencing unwanted advances or sexual harassment from such an outside partner, they should report this to their Head of Department.

Managers and staff who are uncertain about whether they should take the action indicated above, should seek guidance on a confidential basis, from Human Resources.

Head of Department/Director's responsibilities

If such a relationship existed or develops between a member of staff and a student for whom they have a professional responsibility, this must be disclosed by the member of staff to the Head of Department as early as possible so they can take steps to:

- Consult with the member of staff and the student to identify any impact their relationship may have within the University;
- facilitate the re-organisation of duties to minimise contact and ensure the member of staff is not tutoring, supervising, assessing, providing pastoral care, or professionally responsible for administering activities in which the student is involved;

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- ensure that appropriate action is taken to minimise the potential effect of the relationship on other staff and/or students.

In the case of a student whose studies or research are in a very specialised area, such that no alternative tutor or supervisor is available, the Head of Department should consider whether it would be appropriate to engage a co-supervisor or external supervisor, in order to ensure that the member of staff does not have sole responsibility for supervising the student's work or for taking decisions that affect the student.

The Head of Department will deal with the situation in a manner that protects the dignity and privacy of all parties, and those involved will be expected to comply with any reasonable decision or action. There will be no obligation on the parties involved to keep their relationship confidential.

Guidance for students on relationships and the need for disclosure

The University advises students not to enter into any relationship with a member of University staff with any responsibility for them, as it may lead the staff member to compromise the integrity of their professional relationship. If such a relationship develops, and the student is not sure that a member of staff has disclosed their relationship, they are encouraged to independently advise their Head of Department.

4. Non-consensual relationships or inappropriate behaviour

If any student finds themselves in receipt of unwanted or inappropriate behaviour or involved in a relationship that they do not consider to be truly consensual, or if they consider that they have been adversely affected by a misuse of power, authority, or conflict of interest, they should follow the Dignity at Study Policy.

Members of staff who experience unwanted advances and other unwelcome behaviour should follow the Dignity at Work Policy.

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5. Declarations

All declarations should be treated in confidence, recorded in writing and placed on the employee's personal file within Human Resources. Staff who declare such a relationship should be treated fairly and with due regard to equality of treatment.

Where it is not practicable to remove a member of staff from a particular activity e.g. they are a required panel member, all panel members should be made aware and decisions reached should be justified as fair and equitable to avoid allegations of bias or conflict of interest.

It is good practice to seek declarations of interest at the commencement of any University decision making process.

6. Failure to declare

Where a relationship (as defined above) is not declared or guidance sought from their Head of Department or Human Resources or there has been a failure to comply with the policy the matter will be investigated and appropriate action followed, which may result in disciplinary action being taken.