



Relationships at Work

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Executive director	Executive Director of Strategic Partnerships	
Policy lead	Head of Employee Relations	
Policy author (if different from above)	HR Consultant	
Exec Sign off Signature (electronic)		
Disclosable under Freedom of Information Act 2000	Yes	

Policy context

- This policy is to provide a framework that all Trust employees are expected to adhere to in relation to personal relationships in the workplace
- Staff may not enter into a personal/sexual/romantic relationship with a service user when that relationship arises from the service user's treatment.

POLICY REQUIREMENT (see Section 2)

- To provide clear advice and guidance to all employees and managers in relation to managing personal relationships in the workplace
- In order to avoid any actual, perceived or potential conflicts of interest or misuse of authority
- Relationships that fall within the remit of this policy must be declared

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1: Introduction

1.1 Rationale (why)

Birmingham and Solihull Mental Health Foundation Trust (hereinafter referred to as the Trust) recognises that employees who work together may form friendships and, in some cases, this may lead to close personal or family relationships. The Trust does not wish to stop or ban such relationships. However, in certain circumstances a close personal or family relationship or a former close relationship i.e. ex-partner may impact an employees' ability to work in an appropriate and professional manner. This also includes business, commercial and financial relationships between employees/workers.

Whilst not all such situations raise issues of conflict of interest, this is not always the case. The implications of close personal 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 colleagues, service users, clients or the general public in relation to professionalism and fairness of the trust and its employees
- Operational issues affecting the ability to deliver the service effectively
- Conflicting loyalties and breach of confidentiality

The purpose of this policy is to assist managers and Human Resources staff in dealing sensitively, but effectively, with situations where employees have or form a close personal relationship with someone with whom they work.

It is also important that decisions relating to employment are transparent and fair and not open to potential or perceived bias, favouritism or prejudice; decisions to recruit and promote employees should therefore be taken by someone who is not in a close personal or family relationship with that individual. This also should include decisions about other employment which may include rostering and work patterns.

Ideally, employees in close personal and family relationships should not work in the same team; where this has been an historic arrangement, or where a new relationship develops, the parameters around such a working relationship should be discussed and agreed in writing by the manager for that area.

1.2 Scope (when, where and who):

This policy applies to all staff employed by the Trust (Including Bank staff); as well as those working in or for the Trust. Staff must not enter into a personal/sexual/romantic relationship with a patient/client/service user when that relationship arises from the service user's treatment. Such relationships must not be entered into and would constitute a breach of professional boundaries. Such matters would therefore be dealt with using professional body guidance and the Disciplinary Policy and Procedure

For the purposes of this policy a personal relationship will be defined as: (Please note this list is not exhaustive)

- A family relationship
 - Aunties/Uncles
 - Cousins
 - In Laws

- Step Children or Step Brother/Sister
- Grandparents/Grandchildren
- Son/daughter
- Father/Mother
- Brother/Sister
- A blended family relationship (i.e. step family members, half-brothers and half-sisters, and their associated relatives by birth and parental partnerships)
- A romantic/sexual relationship
- Married partners, co-habiting partners and civil partnerships
- Close friendships between colleagues
- A personal relationship with links to a business or commercial organisation/financial body.

The implementation and practical application of the policy rests firmly with line managers supported, where needed by HR advice. Responsibility for monitoring the implementation of the policy and ensuring accurate interpretation of its provisions rests with the Associate Director of Human Resources.

1.3 Principles (beliefs):

Whilst the Trust recognises that relationships at work do form, the Trust also understands the employees right to privacy and the Trust does not and will not interfere unduly in an employee's private life, the Trust does however have a legitimate right to protect the interest of the organisation, patients, service users and other employees and to take action where personal relationships either have the potential to or do impact on the Trust's services or reputation.

2: The policy:

2.1 Staff:

During the recruitment process all applicants and employees applying for posts with the Trust must disclose on their application form if they are a relative or partner or have a personal relationship or close friendship with a director or other employee of the Trust before joining. Failure to disclose such a relationship may disqualify the applicant from the recruitment process. Where the applicant, if appointed would work in the same team as an employee with whom they have a close personal relationship, the implications of this should be considered and discussed as part of the selection process. This is to ensure that the appointment would take into account operational issues and standards and eliminate any conflict of interest.

Where an existing member of staff becomes involved in a relationship with another member of staff or with a contractor or supplier and if the relationship is on-going then they must disclose this relationship, in confidence, to their manager/supervisor; in situations where the relationship is with the immediate manager/supervisor, then the declaration must be to the next most senior manager. The outcome of this discussion will be recorded in writing and placed on the employee's personal file. In the event that the employee's personal situation changes in the future or either party leave the organisation then the record will be destroyed. Failure to disclose a personal relationship could leave

an employee open to allegations of misconduct should subsequent issues arise.

These situations should be managed sensitively in the interests of all concerned. It is important to ensure that any approach or actions are not unfair or discriminatory and avoid any assumption at the outset without exploring the issues thoroughly.

Any member of staff who is involved in a relationship with another member of staff must not use work time to conduct the relationship beyond reasonable boundaries/expectations that apply to all staff. Staff must not make excessive use of Trust facilities, email, phone calls or texting and must not allow that relationship to influence their conduct or behaviour at work; for example, kissing, touching, holding hands, physical intimacy, during working time or on Trust premises will lead to disciplinary action.

If an employee is uncertain about whether there is likely to be any risk of potential conflict of interest emerging from a personal relationship at work, they should discuss the matter with the line manager.

Examples of possible scenarios include the following, but are not exhaustive: -

- Members of staff in the same clinical team where issues of, decision making, and clinical risk may be affected.
- Members of staff with a line management/supervisory responsibility. i.e. undertaking RMS, clinical supervision or authorising financial payments.

2.2 Managers

If it is identified where there is a personal relationship within the same ward/area or department, a discussion will need to take place to determine the impact of this on the employee's work. A note of this discussion will be placed on the personal file of both people involved in the relationship.

All declarations will be treated in confidence and only managers who need to have access to the file will be able to view it.

Where a relationship has been disclosed and one of the staff concerned has line management responsibility for the other, the above discussion will include if the other team members should be made aware of the relationship in order to avoid any potential for other employees being disadvantaged or disgruntled.

In order to avoid any conflict of interest, members of staff who are in a line management or supervisory role or in a more senior position outside of the immediate management structure should not be involved in:

- Any type of management supervision – including clinical supervision, promotion or disciplinary or any other management activity or process involving a staff member with whom they have declared a personal relationship
- The authorisation of any financial payments/decisions relating to the person they have declared a personal relationship with.

- Consideration should be given as to whether the employee or the employee who has management responsibility could be transferred to another area of the business to avoid any conflict arising.

2.3 Recruitment

All employees must declare if they have a personal relationship or close friendship with a director or employee within the Trust on their application form and on the NHS declaration form when joining the Trust.

No recruiting manager or panel member may participate in the recruitment process for any post where an applicant has declared a relationship with them. If an applicant is appointed to a position where they will either generate or authorise payments of another employee with whom they have a personal relationship they must declare it to their line manager.

Where an applicant, if appointed would work in the same team as someone they have a personal relationship with the implications of the two employees working together must be discussed as part of the selection process. Depending on the circumstances this may mean that the job applicant cannot work in that team, but will not be precluded from working in another capacity within the Trust.

For clarity a member of staff cannot participate in an appointment process where they are in a significant relationship with a candidate.

3: The procedure:

Where a personal relationship has been identified/declared or has broken down a conversation must take place between the line manager and the employee (if the relationship is between a line manager and employee it needs to be referred to the next most senior manager). The employee must declare the relationship at the point it becomes an 'established' relationship. Employees must also declare if they have had a close personal relationship with an individual who subsequently becomes a service user of the Trust, this could present a conflict of interest if not disclosed.

This conversation needs to be documented and placed on the employees files. In establishing this relationship the manager will need to consider the following:

- Are there any other staff/patients/service users likely to feel uncomfortable if they deal with either of the two staff members because of the existence of a known relationship?
- Is a personal relationship seen to advantage one employee and disadvantage another?
- Is the relationship potentially interfering with the professional conduct of Trust business?
- Is the relationship potentially having a negative effect on the workings of the team?
- Any other factors

Where there is evidence of any of the above as a result of a personal relationship in the workplace the manager may want to consider the following (in conjunction with HR support):

- Move one of the employees to another location

- Change reporting arrangements
- Amend the duties and responsibilities

Where either a personal relationship as defined above or failure to disclose a personal relationship the matter will be considered seriously by the Trust and may be investigated under the Trust's disciplinary policy. If this is the case, then the employee will have the right to representation as stated in the said policy.

Please refer to the (PIPOT) Policy – People in a Position of Trust

4: Responsibilities

This should summarise defined responsibilities relevant to the policy.

Post(s)	Responsibilities	Ref
All Staff	To understand and comply with the policy in relation to relationships at work	
Service, Clinical and Corporate Directors	Ensure the policy is cascaded and implemented throughout the Trust	
Policy Lead	To deliver a policy that supports the organisation in managing personal relationships at work	
Executive Director	To ensure the policy is implemented and cascaded throughout the Trust	
Human Resources	To support and advise Managers accordingly	

5: Development and Consultation process consisting of:

- ⊕ An outline of who has been involved in developing the policy and procedure including Trust forums and service user and carer groups.

Consultation summary	
Date policy issued for consultation	January 2020
Number of versions produced for consultation	1
Committees / meetings where policy formally discussed	Date(s)
BAU/JNCC	January 2020
Workforce Committee	January 2020
PDMG	30 th April 2020

6: Reference documents:

- ✦ The Trust's [Disciplinary Policy and Procedure](#)
- ✦ The Trust's [Dignity At Work Policy and Procedure](#)

7: Bibliography:

- ✦ As above

8: Glossary:

- ✦ No Glossary

9: Audit and assurance consisting of:

All staff are aware of this policy and will adhere to it when necessary in relation to relationships at work.

Managers will know and understand how to apply the policy when managing relationships in their area of work.

Element to be monitored	Lead	Tool	Frequency	Reporting Arrangements
Declarations where a relationship has been identified on the employee recruitment checklist	Head of Resourcing	Pre-Employment Checklist	12 months	Report submitted to workforce
Where a relationship has been identified in the workplace that create a conflict of interest actions are taken by the manager to resolve the situation	Head of Employee Relations	ER Team casework database	12 months	Report submitted to workforce

10. Appendices:

Appendix 1 - Equality Impact Screening Form

Appendix 1 - Equality Analysis Screening Form

Title of Proposal		Relationships at Work Policy		
Person Completing this proposal	Bernadette Lloyd	Role or title	HR Consultant	
Division	Human Resources	Service Area	Workforce And Inclusion - Corporate HQ	
Date Started	November 2019	Date completed	January 2020	
Main purpose and aims of the proposal and how it fits in with the wider strategic aims and objectives of the organisation.				
<p>This Relationships at Work Policy sets out how clear advice and guidance to all employees and managers in relation to managing personal relationships in the workplace. Its aim is to provide a transparent and fair process to avoid any actual, perceived or potential conflicts of interest or misuse of authority.</p> <p>The policy outlines responsibilities of Managers, employees and Trade Union Representatives and provides clear procedures and processes that are to be followed.</p>				
Who will benefit from the proposal?				
All employees within Birmingham and Solihull Mental Health NHS Foundation Trust including permanent, temporary and bank staff, students, staff on secondment, honorary contract holders and volunteers.				
Impacts on different Personal Protected Characteristics – Helpful Questions:				
<i>Does this proposal promote equality of opportunity?</i> <i>Eliminate discrimination?</i> <i>Eliminate harassment?</i> <i>Eliminate victimisation?</i>		<i>Promote good community relations?</i> <i>Promote positive attitudes towards disabled people?</i> <i>Consider more favourable treatment of disabled people?</i> <i>Promote involvement and consultation?</i> <i>Protect and promote human rights?</i>		
Please click in the relevant impact box or leave blank if you feel there is no particular impact.				
Personal Protected Characteristic	No/Minimum Impact	Negative Impact	Positive Impact	Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics.

Age	x			There is no impact on employees due to their age as the policy ensures that all employees should be treated in a fair, reasonable and consistent manner irrespective of age.
Including children and people over 65 Is it easy for someone of any age to find out about your service or access your proposal? Are you able to justify the legal or lawful reasons when your service excludes certain age groups				
Disability	X			There is no impact for any employees with a disability. The Trust will provide the necessary support and adjustments for persons with a disability.
Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability? Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families?				
Gender	X			There is no impact on employees due to their gender as the policy ensures that all employees should be treated in a fair, reasonable and consistent manner irrespective of gender.
This can include male and female or someone who has completed the gender reassignment process from one sex to another Do you have flexible working arrangements for either sex? Is it easier for either men or women to access your proposal?				
Marriage or Civil Partnerships	X			There is no impact on employees due to their marriage or civil partnership as the policy ensures that all employees should be treated in a fair, reasonable and consistent manner irrespective of their marriage or civil partnership.
People who are in a Civil Partnerships must be treated equally to married couples on a wide range of legal matters Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships?				
Pregnancy or Maternity	X			There is no impact on employees due to pregnancy or maternity as the policy ensures that all employees should be treated in a fair, reasonable and consistent manner irrespective of their pregnancy or maternity. The Trust will provide the necessary support and adjustments for any employee who is pregnant or on maternity, paternity or adoption leave.
This includes women having a baby and women just after they have had a baby Does your service accommodate the needs of expectant and post-natal mothers both as staff and service users? Can your service treat staff and patients with dignity and respect relation in to pregnancy and maternity?				

Race or Ethnicity	X			There is no impact on employees as a result of Race or Ethnicity as the policy ensures that all employees should be treated in a fair, reasonable and consistent manner irrespective of Race or Ethnicity.
Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training do staff have to respond to the cultural needs of different ethnic groups? What arrangements are in place to communicate with people who do not have English as a first language?				
Religion or Belief	X			There is no impact on employees as a result of religion or belief as the policy applies to all employees irrespective of their religion or belief is written to ensure all employees are treated in a fair, reasonable and consistent manner. As required appropriate arrangements will be made to ensure that the religious or spiritual care needs of employees are met and the necessary specialist advice sought with the support of the Operational Human Resources team where necessary.
Including humanists and non-believers Is there easy access to a prayer or quiet room to your service delivery area? When organising events – Do you take necessary steps to make sure that spiritual requirements are met?				
Sexual Orientation	X			There is no impact on employees as a result of sexual orientation as the policy applies to all employees irrespective of sexual orientation and is written to ensure all employees are treated in a fair, reasonable and consistent manner
Including gay men, lesbians and bisexual people Does your service use visual images that could be people from any background or are the images mainly heterosexual couples? Does staff in your workplace feel comfortable about being 'out' or would office culture make them feel this might not be a good idea?				
Transgender or Gender Reassignment	X			There is no impact on Trans employees or employees in Transition as a result of this policy as the policy applies to all employee and is written to ensure all employees are treated in a fair, reasonable and consistent manner
This will include people who are in the process of or in a care pathway changing from one gender to another Have you considered the possible needs of transgender staff and service users in the development of your proposal or service?				

Human Rights	X			The policy is written in a manner to ensure that an employee's rights to Dignity and Respect are reinforced and maintained during the Relationships at Work process. It also ensures that the vulnerable people in our care are appropriately safeguarded from harm.
Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position?				

If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998)				
	Yes	No		
What do you consider the level of negative impact to be?	High Impact	Medium Impact	Low Impact	No Impact
				X
If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required.				
If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding.				
If the proposal does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead .				
Action Planning:				
How could you minimise or remove any negative impact identified even if this is of low significance?				
The Policy aims to avoid any actual, perceived or potential conflicts of interest or misuse of authority, it also requires employees to declare any relationship that falls within the remit of the Policy so that appropriate plans can be put in place to mitigate any potential risk.				
How will any impact or planned actions be monitored and reviewed?				

Any issues will be reviewed regularly through the appropriate channels and committees. The Policy will be reviewed every 3 years or before if required.

How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact on other people as a result of their personal protected characteristic.

All employees will be treated equally and the Trust will take into account and provide the appropriate adjustments for the protected characteristics of each individual.

The policy has been developed to ensure all employees are treated in a fair, reasonable and consistent manner. The policy ensures that an employee's rights to equality of opportunity and treatment are reinforced and maintained during the Relationships at Work process. It also ensures that the vulnerable people in our care are appropriately safeguarded from harm

Please save and keep one copy and then send a copy with a copy of the proposal to the Senior Equality and Diversity Lead at bsmmhft.hrsupport@nhs.net. The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis.