

LONDON BOROUGH OF MERTON

MANAGING RELATIONSHIPS AT WORK

(June 2014)

(Replaces last version published in and up dated in October 2008)

CONTENTS

Page Content

p.1	0) Relatives/Partners/Friends
p.1	1) Purpose
p.1	2) Requirements
p.2	3) Scope
p.3	4) Recruitment and Appointment
p.4	5) EXISTING EMPLOYEES
p.5	6) Authorisation/Documentation/Processes
p.5	7) Code of Conduct
p.5	8) Confidentiality,
p.5	9) Monitoring and Review

0. RELATIVES/PARTNERS/FRIENDS

1. Purpose

- 1.1 The purpose of this policy is to minimise the risk of problems arising as a result of:
- close personal relationships occurring in the working environment;
 - a conflict of interest arising in the normal course of business because of a friendship

2. Requirements

- 2.1 Any employee including staff within a shared service provided to Merton who is involved in a close relationship with a work colleague, contractor, client, customer or supplier or any of the councils partnerships e.g. NHS, police, voluntary groups must not allow that relationship to influence the their own conduct while at work, whether at the normal workplace, on clients' premises or elsewhere. Employees are required to declare any such relationships (see reporting arrangements below)
- 2.2 Any employee including staff within a shared service providing services to Merton may from time to time be in a position of conflict because a friend is in some way affected by normal day to day work activity e.g. a recruitment process or a tendering exercise. Employees are required to declare when such a conflict has arisen.

- 2.3 The purpose of such a declaration is to enable a 'risk assessment' to be undertaken. This is to assess whether there is a conflict of interest, which may have or be perceived to have an impact on the proper conduct of the Council's business including service delivery and or decision –making and enable the appropriate steps to be taken to address the matter.
- 2.4 Managers must consider any implications and take the necessary action if an employee declares that they are engaged in a close relationship at work which may potentially give rise to a conflict of interest. The information declared will be recorded and treated in strict confidence and managed appropriately.
- 2.5 This policy cannot describe each and every situation where a possible conflict of interest arises. However the first rule to follow is if you are in doubt about a possible conflict you must disclose it to your line manager or director as appropriate. This ensures you are protected as well as the interests of the Council.
- 2.6 Managers are responsible for taking any necessary action, in light of this procedure and must apply common sense and reasonableness – if in doubt you must seek advice from your Director.
- 2.7 Particular consideration may need to be given to situations which require particular attention including:
- During the recruitment, appointment and/or assimilation process.
 - Where an existing close personal relationship ceases
 - where an employee or contractor reports to a manager with whom they have a close personal relationship or friendship as it may compromise the integrity of supervision/reporting lines, trust and confidence within the team, in awarding contracts; inappropriate sharing of confidential or sensitive information or perceived favouritism..

3. Scope

- 3.1 This policy must be used in circumstances where employees, or prospective employees, suppliers or contractors have a close personal relationship with an employee and where it is considered that a relationship may lead to a conflict of interest or service delivery difficulties.
- 3.2 The definition of "close personal relationship" for the purposes of this policy is its everyday meaning, and whilst not definitive will be expected to include marriage, family connection, romantic/sexual relationship, cohabitation, business/commercial/financial relationship or some other similar close personal relationship.
- 3.3 The definition of "friend" for the purpose of this policy is its everyday meaning, and would usually involve knowing a person in a social as well as work context.
- 3.4 The policy applies to all Merton employees regardless of their job or status/ seniority and will cover close personal relationships with agency workers,

consultants, contractors', students and work placements. Schools are excluded from this policy however governing bodies are strongly recommended to adopt this policy.

- 3.5 The policy will also cover situations where one party would have a vested interest in the appointment or awarding a contract of the other.
- 3.6 The application of this policy shall comply with the Council's Equality of Opportunity and Diversity and Recruitment & Selection policies and the Council's Code of Conduct.

4. Recruitment & Appointment

- 4.1 All candidates for appointment are asked to disclose on the Council's application form, any relationship to a elected Member of the Council or officer within the authority.
- 4.2 Employee's should not be involved at any stage of the appointment process (or another employment related matter see 5.1 below) where they are related to an applicant or have a close personal relationship outside work with them. Where a selection manager or panel member declare a close personal relationship in a short-listed candidate they must withdraw from the process.
- 4.3 Where a candidate is a friend of or known to an employee in anything other than a work only context, this should be declared to a line manager who will consider what steps are appropriate in the particular circumstances.
- 4.4 It is the responsibility of the Hiring manager to request that agency workers, consultants, contractors and work placement students declare any conflict of interest before they begin their assignment within the Council, and whether they have a close personal relationship with any existing employee or Council elected Member.
- 4.5 There must not be a line management relationship between those with a close personal relationship. If, in exceptional circumstances, a decision is made to go ahead with such a working arrangement, the appropriate senior manager will need to be able to demonstrate, by way of a written record, that they have undertake an assessment of the risks involved if the appointment is made. This assessment must include:
 - The type of close personal relationship
 - The working relationship
 - The level and functions of the posts
 - The function of the team/section
 - The size of the team/section
 - Perception of others – colleagues/clients/public
 - Authorisation processes for example pay, overtime, allowances
- 4.6 The relevant Head of Service or Director, in consultation with the Joint Head of Human Resources must endorse the decision made.

5. EXISTING EMPLOYEES

- 5.1 It is the employee's responsibility to declare close personal relationships to their Director in confidence. If a relationship develops between two team members or manager they are both responsible for declaring the relationship. This will have to be in writing to the Director of their department on the relevant form.. The Director will undertake a risk assessment to realistically consider the implications of any action that they may need to take.
- 5.2 Failure to declare a close personal relationship or a conflict of interest as defined in this policy will be considered a serious matter and may lead to disciplinary action. Employees who are uncertain about whether they should take action regarding a personal relationship may seek guidance, in confidence from a senior member of HR or Trade Union representative.
- 5.3 Depending upon the circumstances, the Head of Service or Director may need to consider one or more of the following:
- Re-arranging the work of one or both parties of the relationship
 - Re-arranging the reporting line
 - where possible a move of one of the parties to another team
 - Voluntary redeployment within the council
- 5.4 Any proposed changes must be based on an objective view of the impact of the relationship on the working arrangements. The assessment should consider the factors identified in 4.5 above.
- 5.5 In all cases it is necessary for the Head of Service or Director to fully consult with the parties involved and seek to reach agreement. Care must be taken to ensure that any change made is not contrary to the provisions of the employee's contract of employment
- 5.6 Consideration of the right to be accompanied at such discussion/meetings will be taken by the senior manager chairing the related meetings.
- 5.7 In the event that the above voluntary measures are not achievable the Council will need to be to take the necessary action to protect its interest including the commencement of disciplinary action if necessary.
- 5.8 Where existing Council employees are subject to agreed redeployment, the Departmental HR Manager (DHRM) in consultation with the line manager and Head of Service, will be responsible for determining the appropriate redeployment action. Such redeployment will be carried out within the spirit of the council's redeployment procedures.

6. Authorisation/Documentation/Processes

6.1 Senior managers must ensure that during authorisation and documentation process that the following points are adhered to:

- It is not possible for an employee to be involved in drawing up any contractual arrangements concerning the employment contract and other forms of contract such as the appointment of contractors of a person they have a close personal relationship with or friend.
- Employees should not be involved in decisions relating to discipline, grievance, capability, attendance, dignity at work, promotion, appraisal, re-organisation, financial claim (travel, subsistence and overtime) or pay adjustments for an employee with whom they have a close personal relationship or a friend.
- Employees should not allow an impression to be created that an employment or contractual decision may have been taken for an improper reason. It is not sufficient that the employment decision was properly taken but the possible appearance of bias must be avoided.

7. Code of Conduct

7.1 Attention is drawn to the council's Code of Conduct:

http://intranet/code_of_conduct_-_employee_summary_april_2008-4.pdf, which identifies an employee's obligation to declare any private interest where there is a possibility that it could conflict with their duty as an employee of the council.

7.2 Such interests should be appropriately declared to their Director or the Chief Executive as necessary. The Code also gives guidance on the expectations, which apply in relation to this policy.

8. Confidentiality

8.1 The council will continue to maintain strict confidence with regard to an employee's personal information that is disclosed whilst in employment. The Data Protection Act and Human Rights Legislation will be complied with. Only those needing to know information will be given access to it.

9. Monitoring and Review

9.1 The procedure will be reviewed every two years or if there is relevant or significant change that may have an impact on this policy.

Last updated – June 2014