

## Document Control

<b>Title</b>			
<b>Employment of Related Persons Policy</b>			
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1.0	August 2014	Final	Updated version agreed and approved at Workforce & Organisational Development Committee in August 2014 and Partnership Forum in September 2014
1.1	Sep 2017	Revision	They are all on the work plan of the Pay & Reward Sub Group scheduled for 25th October 2017. Extension review to January 31 <sup>st</sup> 2018, author changed to Tim Robinson.
1.2	July 2018	Revision	Policy formally reviewed and assessed as fit for purpose pending more detailed consultation with Staffside.
1.3	March 2019	Revision	Policy formally reviewed and updated by the Pay & Reward Sub Group
1.4	June 2021	Extension	In April-21 Governance Committee it was agreed that this document would have extended due dates until 31st May 2022.
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## 1. Purpose

Northern Devon Healthcare NHS Trust (hereinafter referred to as the Trust), acknowledges that we already employ related persons, that related persons may apply for positions within the Trust and that existing employees may form attachments and become related.

The policy applies to all Trust staff including sessional, bank and casual staff; and covers the appointment; promotion and on-going employment of employees who are defined as a “Related Person” (see Section 2 for definitions).

As a large and complex organisation, there will inevitably be occasions when the Trust will be the employer of both partners in a marriage/relationship, or of very close relatives. Ordinarily this would be of little or no significance, but there are limited circumstances where it is of significance and, consequently, where serious difficulties could arise. In particular this will apply where there is a possibility of partners or close relatives working in posts which have a direct line management relationship, such that one would be involved in appointing, managing, counselling, appraising, disciplining etc., the other, or where both would be members of a management or clinical group with corporate responsibilities to the Trust. In such circumstances there is a potential for a division of loyalty which should be avoided wherever possible.

This policy details the Trust’s approach to the employment of related persons to ensure that the procedure for the appointment, promotion and general management of employees are seen to be open and equitable.

Implementation of this policy aims:

- To protect individuals against potential claims of favouritism, where one has a supervisory or managerial responsibility for the other.
- To avoid individuals being in potential conflict of interest situation e.g. if one has information about service provision which may directly affect the other.
- To prevent potential situations in which other employees feel unable to speak openly and honestly in the presence of related persons or where employees consider or perceive that the related persons are having an adverse impact on their own employment or working environment.
- To avoid the potential for individuals to claim unfair treatment in terms of employment practice.
- To provide clarity for managers and employees about where they may and may not have ‘related persons’ working together.
- To protect individuals from allegations surrounding conflict of interest, inappropriate duties within the discipline and grievance procedures and from use of signatures and countersignatures in budgeting and medicines dispensing.

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## 2. Definitions

### Related Persons

- 2.1. Related persons are those who have had, have or who develop a close personal relationship whilst working together.

For the purposes of this policy a related person is defined as:

- Marriage
- Civil partnerships
- Parents, including in-laws and step parents, adoptive parents, guardians and special guardians
- Children including in-laws and step children, fostered and adopted children
- Brother(s) and sister(s) including in-laws and step brothers and/or sisters
- Grandparents and grandchildren
- Partners and/or co-habitees including same sex relationships
- Aunts, uncles, cousins
- Staff in an on-going relationship (to include people in a relationship, but not necessarily co-habitees)
- Carers

### Close Friend

- 2.2. For the purposes of this policy a close friend is defined as:

- Anyone who an employee may have a particularly close relationship with, not just a partner or co-habitee

Advice can be sought from HR as required on the interpretation of these definitions.

## 3. Responsibilities

### Role & Responsibilities of Managers

- 3.1. Managers must not make or be party to a recruitment process or decision pertaining to a related person or close friend.

If a near relative or close friend is being considered, the existing member(s) of staff should not justify the need for the appointment, canvas on the candidate's behalf, select the appointee or directly supervise the appointee.

Where the employment of related persons has been permitted in line with this policy, managers must ensure that all disciplinary, capability and grievance procedures or other investigation processes are conducted fairly so that a related person does not investigate or judge their relative or partner.

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Where employees' circumstances change which result in two existing employees coming within the remit of this policy, the manager must meet with the individuals to assess the potential for conflict of interest and bring this to the attention of the Director of People.

If in doubt over whether a conflict of interest exists, managers should seek advice from the HR Operations Team.

### **Role & Responsibilities of Employees**

- 3.2.** To advise their line manager of any change in situation which results in them working with a related person as described in this policy.

To advise their line manager of any change in situation that could potentially result in a breach of this policy at the earliest point.

Where the above applies, to be flexible in moving to an alternative team or service.

If in doubt over whether a conflict of interest exists, staff should contact their line manager for further guidance. The manager may then seek advice from the HR Operations Team. A failure to notify has the potential to be viewed as misconduct.

To understand that breaching the policy may result in formal disciplinary action.

## **4. General exclusion of employment of related persons**

In order to demonstrate just and equal treatment of all employees, a person shall not be appointed to any position which would result in direct or indirect line management between themselves and another employee as defined in Section 2. Indirect management refers to management responsibilities through the line management chain.

Exceptions to this can only be authorised with written consent from the Director of People, or as necessary by the Chief Executive.

## **5. Employment of related persons within the same Team or Service**

Related persons may be employed within the same team or service, for example within a Directorate, provided that point 4 above applies i.e. it is notified and authorised.

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Where employment of related persons in the same team has been authorised the following procedures must apply:

- Budget signatories must be independent
- Medication signatories must be independent
- At no time should a person manage or lead any HR procedure that will involve a related person or close friend. Examples include grievance, discipline, sickness absence management, capability, recruitment, supervision, appraisal and redeployment.

## 6. Appointment of related persons

Any person occupying a post where they could influence the appointment of a related person or close friend (as defined by this policy) must declare an interest at the time the application is made and take no further part in the recruitment process. They must not engage in any canvassing on behalf of the related person. Any such actions could lead to the immediate disqualification of the candidate and may lead to disciplinary action being taken against the canvasser.

Failure on the part of the candidate to declare that they are a related person to an existing employee (as defined above) may lead to disqualification of the candidate, or disciplinary action.

## 7. New Relationships between existing staff

On being advised of, or becoming aware of, any change in situation which results in an employee working with a related person, line managers should firstly meet with the employees to ascertain:

- how the working relationship may be affected;
- any actual, perceived or potential conflict of loyalty and/or interest, and if eliminating any conflict of interest would unreasonably disadvantage either member of staff;
- whether the relationship could be perceived as providing an unfair advantage as a result of the overlap of a personal and professional relationship;
- whether the relationship could compromise confidentiality / reporting;
- whether there is disparity in the level of seniority, by reference to pay banding, of the individuals in the personal relationship, and if so protect the employment of the individual in the lower pay band;
- if the relationship is in direct breach of this policy e.g. working in the same ward.

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The line manager should also bring the relationship to the attention of the Director of People

Staff are encouraged to socialise and to develop professional relationships in the workplace, provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the workplace. Staff who engage in personal relationships (including romantic and sexual relationships) should be aware of their professional responsibilities and will be responsible for assuring that the relationship does not raise concerns about clinical practice, priorities, use of resources, favouritism, bias, ethics and conflict of interest.

Romantic and sexual relationships between staff members, where one individual has influence or control over the other's conditions of employment are inappropriate.

Additionally, colleagues of equal status, engaging in a romantic/sexual relationship should not work together in any circumstance whereby a conflict of interest, breach of confidentiality or unfair advantage may be perceived to be gained from the overlap of a personal and professional relationship. These relationships may ultimately result in conflict or difficulties in the workplace. If such a relationship currently exists or develops it must be disclosed as follows:

- The emphasis is on the individuals themselves to disclose their relationship if there is any perceived conflict.
- The member of staff who has influence or control over the other's conditions of employment has an obligation to disclose the relationship to the Line/Operational Manager/Director.
- The other member of staff involved in the relationship is also encouraged to disclose the relationship to their Line/Operational Manager or Director. If their Line/Operational Manager/Director is the person with whom they are involved, they are advised to seek advice from the HR Operations Team.
- Failure to disclose by either party may be deemed as misconduct and will be investigated accordingly.

In the event of a conflict of interest arising or being perceived, the line manager must take immediate action to ensure that departmental processes are not compromised and that all processes and procedures are fairly and properly carried out.

The following are actions which may be considered:

- Where possible, change reporting arrangements to resolve the conflict
- Where staff are employed in the same team, consider the appropriateness of moving one or both members of staff to a nearby team/ward

- Where possible, consider reviewing whether working patterns could be adapted so related employees do not work on the same shifts or at the same time. This needs to be considered in line with the needs of the service and the potential impact on other staff.
- Where none of the above are possible consider redeployment of one or both individuals to different team(s) or department(s).

Where there is a direct conflict e.g. related persons employed on the same ward, and approval for this to continue has been declined, then redeployment for one or both employees must be considered. In these cases advice should be sought from the HR Operations Team.

Where attempts to redeploy either party have not been successful, and a direct conflict of interest is in place, the Trust reserves the right to compulsorily redeploy one or both employees. There will not be any entitlement to pay protection or excess travel payments on redeployment.

Any measures put in place to reduce any conflict will be subject to review if required, for example if a concern is being raised about the relationship.

## **8. Monitoring of Consultations with Staff members**

All consultations should be documented as follows:

- Information received from the individuals
- Potential conflicts which were discussed
- Steps taken to avoid and eliminate the potential conflicts
- How and when the manager will review the action
- Details of any necessary and appropriate disclosures, which were made to other managers/HR
- All documentation must be kept secure within the personal files of the individuals involved in the relationship.

## **9. Monitoring Compliance with and the Effectiveness of the Policy**

### **Standards/ Key Performance Indicators**

#### **9.1. Key performance indicators comprise:**

- The number of instances of disciplinary action being taken as a result of breach of this policy.

## Process for Implementation and Monitoring Compliance and Effectiveness

- 9.2. Monitoring compliance with this policy will be the responsibility of the HR Team.
- 9.3. Where non-compliance is identified, support and advice will be provided to improve practice.

## 10. Equality Impact Assessment

Table 1: Equality impact Assessment

Group	Positive Impact	Negative Impact	No Impact	Comment
Age			X	
Disability			X	
Gender			X	
Gender Reassignment			X	
Human Rights (rights to privacy, dignity, liberty and non-degrading treatment), marriage and civil partnership			X	
Pregnancy			X	
Maternity and Breastfeeding			X	
Race (ethnic origin)			X	
Religion (or belief)			X	
Sexual Orientation			X	

## 11. Associated Documentation

- Disciplinary policy
- Counter Fraud Policy