



Policy Title: Policy on Dealing with Relationships at Work

Policy Manual Section: Governance

Date Approved by Management Committee: 29 June 2017

Next Review Date: June 2020

This document will be made available in different languages and formats on request, including Braille and audio formats.

1.0 Aims of the Policy

- 1.1 This policy aims to set out the Association's approach to Relationships at Work.
- 1.2 The policy is based on the Employers in Voluntary Housing Model Document. The Association will refer to the EVH's publication on General Guidelines of Personal Relationships at Work in administering this policy. (Appendix 1).

2.0 Introduction

- 2.1 The Association does not wish to interfere in the personal or domestic lives of its Committee or staff. It also recognises that strong personal relationships and friendships start and grow from working relationships and that many couples meet through their jobs and the associated networks. However, it has been recognised by The SFHA Code of Conduct for Committee Members and The Code of Conduct for staff that over familiarity between Committee and staff can be detrimental to an organisation. Equally our regulator identified some problems in this area, in some organisations, between staff and between staff and Committee. They have recommended that organisations have suitable policies and procedures for dealing with any potential problems. This document summarises our policy and procedures.
- 2.2 It is not the Association's intention to change our Code of Conduct for Committee or the contracts for our staff. However, the Association wish to remind all our Committee and staff that they must uphold our existing policies on equality and diversity, recruitment and selection, training and development, and harassment and bullying and dignity at work.

2.0 Entitlements, Payments and Benefits

- 3.1 The Association's Entitlements, Payments and Benefits Policy specifically prevents the granting of benefits to close relatives of Committee or staff under certain circumstances as a result of their membership or employment with any the Association. This definition was extended to include those who co-habit and close friends. It is, therefore, essential that those intending to live together should advise their line manager, Director, or the Chair, of their intention to co-habit there is full compliance and consideration of this policy.

4.0 Declaring a Personal Relationship at Work

- 4.1 It then makes sense for those employees or Committee members who find that their friendship or close relationship or affair may cast doubt on the objectivity of their decision-making to advise the appropriate person, Chairperson for Committee and Director, and Director, sectional manager for staff. When to advise will be a matter of judgement for the individuals concerned, but it should certainly be before there is a likelihood of them leaving themselves open to the types of allegations suggested. (Individuals can discuss in confidence their own situation with the Employee Counselling Service.
- 4.2 It will then be a matter of discussion initially between the parties, and the Chairperson and Director, as to how to avoid the potential for a conflict of interest in the Association's work. This is essential to protect the individuals and Association from any adverse criticism. This should also include where relationships have broken down, and both parties feel awkward, and working relationships may be adversely affected.
- 4.3 The Association will expect Committee members who are in this position to withdraw from any Committees or decisions where their "partner" could be affected. This would be expected to run for a period of at least 12 months after the relationship stops. It could also result, in certain circumstances, in the Committee member having to consider resignation because these difficulties are too great.
- 4.4 Committee and staff will be expected to maintain the highest standards of propriety and should ensure that their work is not affected by using work time, activities and events, such as conferences, to further their personal relationship. They should also be aware how awkward demonstrations of close affection can have on their work colleagues and Committee.
- 4.5 All of this depends on the judgement of the individuals concerned and their managers and the Committee. It is not intended that no-one has personal relationships that overlap with work relationships, but we must seek to maintain our policies, the highest standards and avoid allegations of impropriety.
- 4.6 In summary, it is essential that Committee and staff recognise:
1. Staff and Committee behaviour should meet the requirements of our policies and should be such as to avoid allegations of breaching these policies.
 2. If you are in a personal relationship which could lead to such allegations, you take the appropriate steps to make a manager or the Chairperson aware of the situation and jointly try to devise ways of avoiding any possible allegations of favouritism or harassment.
 3. The highest standards of behaviour are required at work, at conferences and other events where individuals are there as a result of their Committee membership or staff employment with the Association.

They will be subject to our disciplinary procedures if breached (existing policies and EVH booklet will act as guidance).

4. If and Committee or staff member have any doubt regarding the application of this policy they are encouraged to discuss their situation in confidence with the Director/Chairperson.

5.0 Review

- 5.1 The Director will present this policy to any new Committee and staff members, as well as the staff at their staff team meeting to ensure they are aware of the provisions of the policy. The policy will be monitored and reviewed to seek improvements in its effectiveness.
- 5.2 This policy will be reviewed every 3 years and is therefore is due for review in June 2020

Appendix 1

E.V.H's General Guidelines on Personal Relationships at Work

1. Introduction

- 1.1 Personal relationships can develop within the working environment and on occasion, go beyond friendship. Therefore, like any other behaviour within an organisation, expected standards are sought and having this policy and procedure on personal relationships at work will assist employees' in understanding what these standards are. As referred to in related documents, Committee and staff should have a professional relationship based on mutual respect. This does not mean Committee and staff cannot be friendly to each other, but they should remember that if the relationship becomes too informal, it can be hard to get it back to a professional footing. This is also applicable to staff in their working relationship with each other and indeed those Committee or staff who may have involvement with external organisations, e.g. Contractors, the Scottish Housing Regulator, etc.
- 1.2 This document is therefore intended to provide guidance in areas where personal relationships overlap with working relationships and to ensure that individual members of staff are not open to allegations of impropriety, bias, abuse of authority or conflict of interest.

2. Defining Personal Relationships at Work

- 2.1 It is difficult to provide one overall definition for 'personal relationships at work'. The term covers an array of situations, for example, close relationships, extra marital affairs, one night stands, etc. And within the context of housing it takes into consideration relationships concerning committee members; staff; tenants; the Scottish Housing Regulator; suppliers; contractors; consultants. Given this explanation of the term, there is the reality of complexity in dealing with personal relationships which surface. To help overcome the complexity of dealing with personal relationships, it is advisable that organisation should avoid being intrusive in a person's life. Not only is this a commendable approach, but maintaining this attitude can avoid infringing on a person's human rights.

3. Legal & Regulatory Considerations

3.1 The Scottish Housing Regulator

The Scottish Housing Regulator expects RSLs to meet published performance standards. The self assessment questions are important in this context particularly the following:

- Can we demonstrate that all the Committee's decisions are taken the best interests of our organisation and our tenants?

- Is there an effective relationship between the governing body and the Management Team (for example in terms of understanding of roles, effective communication, planning, reporting and so on)?
- Do we adhere to a sound governance framework which sets out:
 - codes of conduct;
 - how we handle conflicts of interest; and
 - how we ensure compliance with schedule 7 of the Housing (Scotland) Act 2001?

3.2 Entitlements, Payments and Benefits

The Association adopted the SFHA's model policy on the Entitlements, Payments and Benefits, which meets the Scottish Housing Regulator's requirements on the control of payments and benefits to Committee and staff members in connection with their work for the Association.

The Entitlements, Payments and Benefits Policy covers:

- Managing Your Interests
 - Registering and Declaring Interests
 - Entitlements, Payments & Benefits
- People Connected To You
 - Who Else You Should Consider When Declaring Interests
 - What You Should Consider
- Use of Our Contractors/Suppliers By Our People

In terms of personal relationships at work Committee and Staff should consider should consider the section on Managing Your Interests and People connected to you.

The Policy details close relationships and friendships in 3 categories as listed:

Category 1 - **Members of your household**
 Anyone who normally lives as part of your household, whether they are related to you or not, including spouses/partners who work away from home and sons and daughters who are studying away from home;

Category 2 **People closely associated with you**

- Parents, parents-in-law and their partners
- Sons and daughters; stepsons and step-daughters and their partners
- Brothers and sisters and their partners
- A partner's parent, child, brother or sister
- Grandparents, grandchildren and their partners
- Someone who is dependent on you or whom you are dependent on Close friends.

Category 3

Others you need to consider

Other relatives (e.g. uncles, aunts, nieces, nephews & their partners)

Other friends (e.g. someone you are acquainted with socially, neighbours, business contacts/associates)

It is imperative the Association is made aware of personal relationships at or associated with a Committee or staff members' work, which will allow us to consider how we attend to this matter to protect the interests of the Association and prevent any adverse criticism for the Association or Committee and Staff member in relation to work situations.

3.2 Sex Discrimination Act (SDA) 1975

This Act was amended in October 2001 to prevent direct or indirect discrimination against married persons in the employment field whereby the person is treated less favourably on the grounds of his or her marital status than an unmarried person of the same sex. For example, in the case of Chief Constable of Bedfordshire Constabulary v Graham [2002], it was found that the applicant had been less favourably treated than a non-married female applicant.

3.3 Employment Equality (Sexual Orientation) Regulations 2003

These regulations prohibit discrimination on the grounds of sexual orientation in relation to employment and training. Employers must be careful that we do not discriminate against individuals where they have disclosed details regarding their sexual orientation.

3.4 Human Rights Act 1998

Article 8 of the Human Rights Act refers to 'the right to respect for private and family life' and article 10 refers to 'freedom of expression'. Therefore this provides individuals with an argument that our restrictions on relationships at work are unreasonable and infringing on their basic human rights. This act is only directly enforceable in the public sector, however employment tribunals and courts are guided by its principles.

3.5 Employment Rights Act (ERA) 1996

The ERA provides the right for an employee not to be unfairly dismissed. The only legitimate interest employer has is how a personal relationship affects their ability to do their job. It may be right to raise the subject if someone's performance has slipped, but care must be taken or it could lead to an unfair dismissal claim or even constructive dismissal.

3.6 The Regulation of Care (Scotland) Act 2001

Strict standards are expected between staff and tenants in supported or care accommodation. Such standards are regulated by the Care Commission under The Regulation of Care (Scotland) Act 2001.

4. General Guidelines of Personal Relationships

4.1 It is important to consider the potential situations which could lead to difficulties with personal relationships at work. Personal relationships are not problematic in themselves but problems may happen if they are poorly managed. It is also useful to view what possible personal relationships could be formed and indeed, the possible consequences of these. This is considered below:

4.2 Potential Situations

4.2.1 Personal Relationships Ending - Sometimes the aftermath can be very awkward with accusations of not only familiarity, but also difficulties of a strained atmosphere – and even claims of harassment, or victimisation.

4.2.2 If Personal Relationships Become an Issue and are Ignored - This can cause resentment and in turn affect teamwork, motivation and even lead to resignations.

4.2.3 Personal Relationships Lead To Acts Which Contravene Workplace Policies - For example, recruitment, harassment, equality, etc...Such policies are set up to improve management and indeed, to avoid Employment Tribunals. We have a harassment policy which is actively promoted to our staff, and applied. Failure to do so could result in a successful sex discrimination case against the organisation.

In terms of business policy, an employee or committee member could be in a position to influence the decision or approval of a procurement standard, for example, if an employee or committee member has a personal relationship with a contractor, and has responsibility for approving their work with the organisation, their decision to provide work to this contractor may be biased.

4.2.4 Employers Duty of Care towards Employees Health and Safety - The Health and Safety Executive have identified relationships at work as potentially creating tension and conflict, and therefore a stressful environment.

4.3 **How can we deal with this?** – Employers should have appropriate policies and procedures which set boundaries on what is and is not acceptable behaviour which may indirectly govern how ‘affairs’ are conducted. The Association has a responsibility to identify what is and what is not acceptable in matters of confidentiality, team working and standards of behaviour. Our Personal Relationships at Work policy above

suggests that the difficulty in a 'relationship' only arises when it potentially leads to a breach of our policies, conflicts of interest, or when individuals leave themselves open to allegations. This policy allows the individual to identify a time early enough in any relationship to avoid the possibility of such allegations, and to try to agree with their organisation how to minimise or eliminate the problems of such a breach of policy. Therefore it is essential for employers have a clear policy on personal relationships at work, and provide the discretion for employees to be sensible about their relationships in the workplace.

5. Types of Personal Relationships

5.1 Personal relationships at work are not uncommon and within housing, they can evolve at various levels. Possible relationships are considered below:

- i) Personal Relationships between Committee Members - Committee members have a responsibility to ensure that these relationships do not forward agendas contrary to the best interests of the organisation, or, at the worst, to maintain their personal power bases against the best interests of the organisation and the community. It is necessary for employers to maintain a Register of Interests. This highlights to the individual and their fellow committee members the potential for conflicts between, for example, their role as a councilor – with local planning, housing, environmental, etc responsibilities – and the housing organisation as a potential applicant, receiver of funds or even, litigant.

However, it is not as transparent when there are families, couples and other personal relationships between committee members. Employers should constantly review our committee composition to ensure that it is representative. In order to achieve this objective we could challenge all decisions against the following criteria:

- such as, how does this benefit our residents/community?
- can this be interpreted to meet the self interests of any individual, or group, on the committee?
- and would you feel comfortable explaining your decision or behavior to the media?

Finally to ensure good practice, you would check that any decisions are positive, transparent and accountable.

Good practice would suggest, therefore, that committees try to:

- avoid over dependence on one family or group on their committee,
- closely monitor decisions to prevent bias creeping in, and

- ensure sub-committees, working parties, selection panels, appeal committees, etc are not dominated by people with close relationships – family or personal, and
- ensure that so far as possible, decisions are not reviewed by people who have such close relationships (e.g. disciplinary appeal).

If there are concerns regarding such criticism this can be addressed through membership promotions, standing orders, and committee remits.

- ii) Personal Relationships between Committee and Staff – The Code of Conduct for Committee Members and also for Staff indicates caution with regard to relationships of this type. However for further expansion, Committee and Staff should comply with the following text.

Each individual employee is responsible to the Management Committee through the line management structure leading to the Director. If an employee's work brings them into contact with Committee Members and vice versa, mutual respect between both is essential to the good running of the organisation. Close personal familiarity between the employee and individual Committee Members and vice versa could be prejudicial to this relationship and should be avoided, especially in the work context. There could be the possibility of breaches of confidentiality; and accusations of favouritism on the part of the committee member in terms of training opportunities, promotion or other benefit.

- i) Personal Relationships between staff

As with all areas of employment, there has been an opportunity for Tribunals, and others to consider this area and make pronouncements on what would be expected of a fair and reasonable employer. In the options below, the Chief Executive/Director would be expected to speak to the Chair, as their line manager.

Options

- a) Declaration - Some employers manage personal relationships at work through 'self regulation'. It protects the organisation, and parties involved. This approach has been suggested in the policy. The intention is to protect individuals from allegations of breaching the organisation's policies. Early declaration would offer most protection against such allegations.

- b) Managing Staff - Managers are expected to treat all staff during the performance of their duties in the same professional manner. This should be expected to continue if they are close friends or in a relationship with one of their staff. This self declaration, therefore, applies more often where there is an opportunity for favouritism or bias, e.g. where a personal relationship develops between a member of staff and their line manager. The fact that the declaration is recorded will act as a check on any advantage being given but will also allow a more senior employee, or committee, to monitor the opportunities, or provide a more objective view on a decision.
- c) Moving an Employee – The employer can insist that one of the two employees move to another office, or department. If that is not practical, the employer could consider termination of one of the contracts. The decision to change or ‘vary’ a contract of employment should only be considered where there is a clear business need for the organisation, and after proper consultation with staff, and their representatives.
- d) Married Couples – Moving one partner - Depending on the posts the recruitment of the partner of a married employee may be prohibited by Schedule 7 of the Housing (Scotland) Act. However, employees may become married while employed, and might offer no real disruption. The Association should recognise that it can be difficult to maintain standards where one partner is supervising another. It is difficult to envisage the discipline procedure operating fairly, or equitably.
- e) There are also more mundane but important matters such as holidays being taken at the same time in a small organisation or department. The movement of one partner could be considered in line but with all the same safeguards against arbitrary or discriminatory applications and the need to consult. The situation should be monitored, and normal standards of behaviour expected.

ii) Personal Relationships Involving Committee or Staff with Tenants/Residents

For example, allocations.

The allocation of a house is considered a ‘benefit’, The relevant Guidance Note 2003/02 and subsequent regulatory guidance relaxes the legislation by allowing RSLs to make an allocation to a close relative of a committee member or employee by introducing a special exception to the legislation. The Association must ensure that we comply with the conditions attached, which are detailed in the guidance and indeed in our Schedule 7 Policy. Too close a relationship with tenants can also lead to accusations of

favouritism, and, if they breakdown, discrimination. It is recognised that in small communities it is possible that personal relationships could overlap with professional. The need to be transparent, publicly accountable and professional in managing our houses should ensure that behaviour is above reproach.

- iii) Personal Relationships with the Scottish Housing Regulator, the Scottish Government, Suppliers, Contractors, Consultants and all other organisations involved in our business.

This can become a serious conflict of interest. Our register of interests could be extended to include 'friends'. It is an area which has caused considerable difficulties for organisations involved in receiving large amounts of public money because of the keen interest of the public, media and politicians. Therefore in order to demonstrate transparency, integrity and public accountability the register could be extended in this way.

6. Issues that Apply to all Relationships

6.1 Personal Conduct

- 6.1.1 Confidentiality - The opportunity to inadvertently or deliberately advise your 'partner' of confidential information has to be prevented, and, therefore, clearly stated as unacceptable.
- 6.1.2 Infatuation/Harassment - This kind of behaviour is obviously unacceptable. However, it will be easier to control if set standards are adopted by the organisation which explains that it would be unacceptable behaviour. (refer to Dignity at Work Policy)
- 6.1.3 Physical Contact - It is not uncommon to make rules that prohibit physical contact between partners at work. It ensures that their colleagues are not made to feel awkward, and it is a precursor to prohibiting more affectionate behaviour.
- 6.1.4 Office Parties - In Employment Tribunals, office parties are normally associated with over indulgence in alcohol provided by the employer. There is a need to remind everyone that normal standards of behaviour should be maintained, and that any misbehaviour will not be excused. (Refer to Office Party Policy).