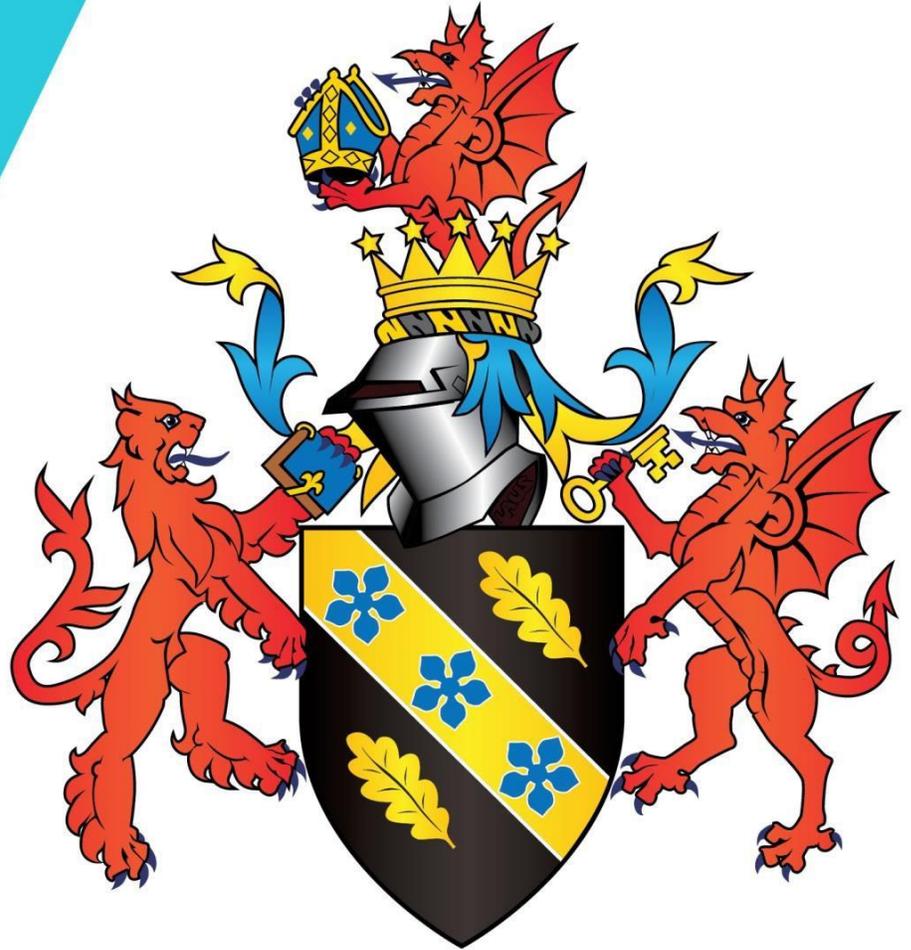




Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



**POLICY GOVERNING PROFESSIONAL RELATIONSHIPS IN
THE WORKPLACE**

1. Introduction

- 1.1 The University recognises the importance of promoting and preserving the integrity of professional relationships between employees and students, between employees and colleagues and between employees and third parties.
- 1.2 Professional relationships are essential in assisting the University to effectively conduct its activities with a spirit of openness, fairness, consistency of treatment, mutual trust and respect. They also support the effectiveness of day to day business, the reputation of the University and the performance of employees and/or students.
- 1.3 The University does not wish to interfere with the private life of employees or the private life of students unless they affect its proper operation, reputation or there are concerns about a conflict of interest, breach of trust and/or confidentiality or safeguarding concerns. Close personal relationships (such as friendship, family, business, political) between members of staff and between staff and students may be positive but can undermine the confidence of others in the impartiality and fairness of the University's procedures. It is important that employees take care to conduct themselves so that this confidence is not undermined.
- 1.4 The University takes extremely seriously its responsibility for the safeguarding, the welfare and the protection of its students, young people and vulnerable adults in its care. The University also takes seriously its duty of care to employees and other individuals deemed to be in positions of trust who may find themselves the subject of allegations of abuse of trust arising out of personal relationships.
- 1.5 This policy does not provide an exhaustive list of relationships or potential cases in which concerns may arise.

2. Scope

- 2.1 This policy will apply to all employees of the University and covers all personal relationships including; contractual, sexual, commercial, social/close friendship, family, romantic and financial.
- 2.2 It will also apply in the context of relationships conducted via telephone or through electronic means e.g. email/social media as well as face to face.
- 2.3 This policy covers all issues where such relationships raise concerns or potential concerns regarding conflict of interest, trust, confidentiality and/or bias/favouritism. Potential areas of concern could include; management and supervision of employees, financial gain, all aspects of teaching, learning and assessment, contractual matters and access to confidential information.

3. Definitions

- 3.1 A relative is defined (for the purposes of this policy) as a spouse, child, sibling, parent, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin and legal guardian, by blood, marriage or adoption or other .
- 3.2 A personal relationship includes: cohabitee, intimate/romantic relationships, business partner or associate, close friendship (as opposed to acquaintance), membership of associations pledged to render mutual assistance, and any other association where an impartial observer might reasonably conclude that the individual's judgement would not be wholly impartial in making a judgement (positive or negative).
- 3.3 For the purpose of this policy if an employee who is undertaking a course of study within UWTSD has, or forms, a relationship with another student, he/she must declare it as if he/she were an employee.
- 3.4 For the purpose of this policy a conflict of interest is something which is deemed so in the eyes of an independent and reasonable third party. The parties involved in the relationship are not independent and therefore their judgment should not be relied upon.
- 3.5 For the purpose of this policy a student undertaking work in a faculty or department will be regarded as a student.
- 3.6 A vulnerable adult is a person aged 18 or over, who is or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be unable to protect him or herself against significant harm or exploitation.

4. Roles and Responsibilities

In order to comply with this policy it is the responsibility of;

4.1 Employees

- To ensure they conduct themselves professionally at all times
- To ensure they have an understanding of this policy and if not to seek clarification from their line manager or HR Adviser as soon as possible
- To comply with this policy and to declare personal relationships in line with the requirements outlined in this policy
- To raise any concerns in respect of the issues outlined in this policy with their line manager or HR Adviser

4.2 Line Managers

- To ensure employees are aware of this policy
- To comply with the requirements of this policy
- To deal with personal relationship issues sensitively and confidentially
- To take action on any concerns raised by employees in respect of the issues covered by this policy

- To ensure that any declarations made under this policy are documented and held on the employee's personal file
- To discuss any concerns or issues with a HR Adviser

4.3 Human Resources

- To ensure this policy is available for staff to access
- To provide support and guidance to managers on its application
- To review and monitor the operation of this policy
- To ensure compliance with legal obligations
- To maintain confidentiality at all times as appropriate

5. **Policy Principles**

- 5.1 There are circumstances where relatives or other staff who have a personal relationship are employed in the University and one of the people concerned is solely or principally responsible for making judgements in a work context applicable to the other. Alternatively a member of staff may have a personal relationship with a student of the University and be responsible for making judgements. Examples could include; deciding on applications for staff development funding, certifying a claim for expenses or awarding a contract of employment or promotion. Examples concerning students include marking, assessment and awarding places on courses. These lists are not exhaustive.
- 5.2 In order to avoid any allegations of unfair treatment or practice, the following principles shall be adopted. The general principle involved is that any judgement concerning a relative or person in a personal relationship should not be made by the other. Employees should not place themselves in a situation where others might reasonably believe that there has been improper conduct.
- 5.3 Where a number of people will be involved in making a judgement, the partner or person in a personal relationship should withdraw from the judgement-making process before it begins. If there is any doubt about the propriety of a situation advice must be sought from the line manager or HR Adviser
- 5.4 Furthermore, particular care is needed when the parties are in a relationship of unequal power. This can arise not only in relations between staff and students but in any circumstances where one party is in a position to confer a benefit or impose a disadvantage (e.g. line manager and employee). Any abuse of authority will be regarded by the University as particularly serious which may lead to disciplinary action.
- 5.5 In particular the University would regard it as a breach of discipline if a member of staff made improper use of authority, for example by offering benefits in return for personal favours or threatening or imposing penalties if personal favours are withheld.

6. Relationships between Employees and Students

Relationships with students under the age of 18 years or a vulnerable adult

- 6.1 Relationships between employees and a student under the age of 18 years or a student deemed as a vulnerable adult (except family/guardian or commercial relationships) **are not permissible under any circumstance.**
- 6.2 Under the Sexual Offences Act 2003 it is an offence for a person over 18 to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. This applies where the child is in full-time education and the person works in the same establishment as the child, even if s/he does not teach the child.
- 6.3 Such a relationship would constitute gross misconduct and would lead to disciplinary action.

Relationships with students aged eighteen and over

- 6.4 The University strongly discourages employees entering into a personal relationship with a student, even when they are over the age of 18 and not categorised as a vulnerable adult, especially one of a sexual/romantic nature.
- 6.5 The University does not regard such relationships as being equal. This is because the employee would often be in a position of authority over students; for example, academic staff assessing work, awarding grades, setting examination papers, decision makers in respect of extensions for submission of work, participation on examination boards etc. The power gap can be increased by an academic employee's greater academic knowledge, experience of the University and status within it. Similar imbalances can exist between students and support staff, for example those with responsibility for admission, enrolment, payment of fees etc.
- 6.6 Therefore, all employees are required to declare to the Dean or Director/Head of Department all pre-existing personal relationships or one which develops with a student. Employees are required to inform the Dean or Director/Head if the status or nature of a declared relationship with a student alters. A declaration or information about a change of status or nature of a relationship will be recorded and a note will be held by Human Resources during the tenure of the student at the University. This will remain in place even if the relationship has come to an end, in order to protect both the student and the employee from the possibility of unfair accusations of impartiality. The file note should also be placed on the student's file and should remain there permanently to ensure an adequate audit trail exists of the actions taken by the University.
- 6.7 The student should be made aware of the declaration if appropriate by an officer of the University. . This will enable either party to inform the Dean/Director/Head if the status of the relationship alters.
- 6.8 When a personal relationship is declared, the Dean or Director/Head, will agree with the employee's line manager and the employee appropriate arrangements to ensure no conflicts of interest arise. Arrangements should be made so that the employee will not make any judgements/decisions about the student.

- 6.9 The University requires that where an employee is responsible for the assessment of a student with whom there is a close personal or other relationship, the employee will ensure that the assessment of the student's work is undertaken by another, independent, member of staff as agreed by the Dean/Director or line manager. Similarly, the employee must not act as a personal tutor, or teach the student in a small group.
- 6.10 The arrangements put in place should be detailed in the file note held in Human Resources.
- 6.11 During discussion of the student's work, for example at an Examination Board, the employee is not expected to declare an interest provided the file note exists. However, the employee should not contribute to the discussion since any intervention could be construed by a third party as a conflict of interest.
- 6.12 In the case of support staff it will be at the discretion of the Dean/Director/Head to decide whether it would be appropriate to limit the professional interactions between the employee and the student in an analogous way to that described for academic staff.
- 6.13 The file note may be made available to relevant parties on a confidential basis in the event of a complaint, dispute or disciplinary action arising from or alluding to the relationship and could constitute part of the evidence trail in any such proceeding.
- 6.14 If an employee fails to disclose a personal relationship, and therefore breaches this policy and/or its principles, it could be deemed to constitute misconduct, regardless of whether a complaint has been received, and may result in disciplinary action.

7. Relationships between Staff – Employee/Employee relationships

- 7.1 The University recognises that employees who work together may form personal friendships and in some cases personal relationships. It also recognises that there may also be close personal relationships (or family relatives) prior to taking up a position with the University. While it does not wish to interfere with these personal relationships, it is necessary for the University to ensure that all employees behave in an appropriate and professional manner at work. The following therefore applies to all employees regardless of their job or level of seniority
- 7.2 If any employee is a relative or is involved in a personal relationship with a colleague, then employees must not allow that relationship to influence their conduct while at work. Employees must not be involved in any activity whereby unfair advantage may be gained, or could be perceived by others to be gained, over another employee or where a conflict of interest may exist. The University is committed to the Equality Act 2010 and therefore action and arrangements must be seen to be fair to all parties. It is the responsibility of all employees to discuss with their line manager whether alternative arrangements need to be put into place for reasons of transparency and equality.
- 7.3 If an employee engages in or is already in a personal relationship with another employee whom they directly line manage, then the employee must declare the relationship to the Dean or Director (any Dean or Director should declare the relationship to Deputy VC or Pro Vice Chancellor and so on). The information declared will be recorded on the personal files of the employee and the other employee and will be treated in strict

confidence. When a declaration is made a discussion will be held with the employee and the other individual(s) with the aim to remove line management responsibility.

- 7.4 This may be achieved either through identifying an alternate line manager or where this is not possible (or where there is any foreseeable damage to the University's reputation, any foreseeable negative perceptions by colleagues, and any other reasonably foreseeable damage to the service), consideration might be given if appropriate to redeploy one or both of the employees involved in the relationship to a post in another service area. In these circumstances, the organisation will consult both of the employees and seek to reach a satisfactory agreement regarding the transfer of one or both of them. Any redeployment would be in line with the University's Redeployment Policy and would need approval from a Deputy Vice Chancellor.
- 7.5 In the event that a member of staff is also a student, the relevant Dean or Director/Head must ensure that the member of staff is not unfairly advantaged or disadvantaged in any way during the programme delivery or assessment process.
- 7.6 If there are any concerns that a personal relationship has had a serious impact on the University in terms of its proper operation, reputation, or there is a conflict of interest, breach of trust or confidentiality, it could be deemed to constitute misconduct and may result in disciplinary action.

8. Relationships between Employees and Third Parties

- 8.1 Where an employee has a personal relationship with a third party connected to the University that may result in their objectivity or integrity being challenged then the employee should declare that relationship to their Dean or Director.
- 8.2 This may include for example an employee is on a recruitment selection panel and one of the applicants is a relative or good friend or where a relative or good friend is tendering for services with the University
- 8.3 Employees should seek advice from their line manager or HR Adviser before becoming involved in any areas of activity which may be deemed as a potential conflict of interest trust and or confidentiality

9. Complaints

- 9.1 Any complaint in relation to any of the principals outlined in this policy should be referred immediately to the Director of Human Resources.
- 9.2 Additionally, employees who have concerns about the inappropriate behaviour of other employees are expected to raise the issue in confidence with their line manager (or another appropriate manager) or their HR Adviser.

10. Records

Records should be kept of all meetings, as well as details of the outcomes and the reasons for it, the outcome of any appeal and any notes or other relevant documents compiled during the process. These records will be held in accordance with the General Data Protection Regulations 2018 and kept within Human Resources

11. Monitoring

Human Resources will monitor compliance and effectiveness of the policy by means of reviewing the number of declarations made and any complaints.

12. Links to other policies

Grievance, Bullying and Harassment, Disciplinary, Safeguarding Policy

13. Resource Implications

Implication	Detail
Finance	Costs associated with the request
Staff	No additional resource implications for HR are anticipated in implementing this policy
Assets	No identified asset costs
Partners	Consideration will be given to the application of this policy across the group as appropriate
Timescales	Policy to be implemented upon approval and reviewed in line with legislative changes
Leadership	Head of HR

14. Impact Assessment

Implication	Impact Considered (Yes/No)	Impact Identified
Legal		The policy will ensure compliance with statutory
Contribution to the Strategic Plan		The policy provides guiding principles and a framework which supports change
Risk Analysis		Having a clear policy in place will mitigate the risk of a legal challenge
Equality		Policy compliance will ensure adherence to the provisions of the Equality Act
Welsh Language		Consideration of the Welsh Language Act will inform documentation in the implementation of this policy
Environmental and Sustainability		No identified impact
Communication/ Media / Marketing		The policy will be made available via MyDay

15. Document Version Control

Version No:	Reason for change:	Author:	Date of change:
1.1	New policy drafted	AJ	1 May 2018
	Approved HR Committee	SJ/JOR	2 May 2018
	Approved by Council	JOR	1 June 2018