

The Employment of Relatives or Close Friends Policy

Sept 2021

Version 2

1. Scope

This policy applies to all employees of Expanse Learning.

2. Context

All stakeholders of Expanse Learning have the right to be treated fairly, equitably and without bias. This right should not be compromised by any personal relationships that an individual or their colleagues may have with other employees. All employees have the right to expect professional behaviour from others and have a corresponding responsibility to behave professionally towards anyone they come in to contact with in the workplace.

Expanse Learning recognises that there are occasions when relatives (see below) are employed within the same provision or in roles which need to interact with one another. In such situations there may be potential for conflicts of interest or allegations of favouritism, nepotism or unfair practice to occur. We wish to protect our employees from any treatment of this nature and to ensure that everyone is treated fairly and given equality of opportunity. This policy provides a guidance framework to ensure that working arrangements are fair and are seen to be fair in practice. It aims to ensure that decisions relating to appraisals, grievances, disciplinary cases, training and development, promotion, recruitment or decisions involving pay for all employees or potential employees are made impartially using sound judgement and without prejudice.

This policy should be read in conjunction with the Expanse Learnings Equal Opportunities Policy and Staff Code of conduct. These policies aim to ensure that employees are recruited and progress within the organisation in a fair and equitable manner, determined only by personal merit and by the application of criteria which are related to the duties and conditions of each particular post and the needs of the Provision concerned.

3. Definitions

This policy applies to all existing employees and in addition the following:

- Job applicants.
- Existing employees (Full, Part and Fixed Term)
- Self-employed staff/those on a Contract for Services.
- Agency workers (including Temporary Employment Workers).

For the purpose of this policy a relative is defined as:

- Spouse or partner (including same sex partners and civil partners).
- Former spouses or partners.
- Parent, parent-in-law, grandparents.
- Brother or sister, including in laws.
- Son or daughter (including in laws) and grandchildren.
- Aunt, uncle, niece, nephew, cousin.
- Stepfamily members.
- Close friends (although they are not relatives the nature of these relationships may result in nepotism, favouritism or unfair practice being implied or alleged).

This list is not exhaustive, and it is the responsibility of Employees to take any necessary action on the basis of common sense and reasonableness.

4. Guidance

This policy aims to ensure that individual employees act with propriety, and without bias, abuse of authority or conflict of interest in executing their professional duties and that they do not lay themselves open to allegations that they have acted unprofessionally in this regard.

The policy sets out a framework and gives clear guidance to employees who work closely with relatives in order to:

- Ensure that employees are treated fairly, equitably and without bias.
- Ensure that employees know when to declare any conflicts of interest when working with relatives.
- Prevent against potential instances of unprofessional behaviour such as favouritism, nepotism and unfair conduct.
- Ensure that decisions made about employees or potential employees are made without prejudice, with impartiality and sound judgement and are defensible under the strictest scrutiny.

The guiding principles of this policy are:

- Employees should not be placed, nor place themselves, in a situation where others might reasonably believe that there has been or could be a conflict of interest or improper conduct.
- Employees should feel that they are treated fairly, equitably and without bias.
- Expanse Learning is not brought into disrepute and does not suffer reputational damage by improper conduct of its employees.

5. Recruitment of Relatives

Employees are required to declare an interest if they are involved in the recruitment process where an applicant is a relative. No employee may be involved in the recruitment process where a relative is a candidate.

Employees should not solely conduct an interview process where their line manager is a relative of a candidate. They may however be part of a panel of assessors, provided they have declared the reporting relationship to that panel.

6. Working with Relatives in the same Provision

Ideally, there should not be a line management relationship between relatives, whether it is direct or indirect. This includes making decisions and being involved with carrying out any HR processes e.g. appraisals, grievances or disciplinary cases, training and development, promotion or decisions involving pay.

If a person is appointed to a post that is managed by a relative, the relationship should be declared, and the situation reviewed in consultation with Human Resources. Where possible, alternative management arrangements should be put in place. This may include changing reporting relationships or potentially changing location. If it is not possible to identify alternative arrangements, an independent Senior Manager should have oversight of any decisions as described above.

If an employee believes they have been placed in a difficult situation because they are required to work with a relative or because of colleagues working with a relative, they have a responsibility to raise the issue with an appropriate line manager. There may be occasions when employees receive/have access to confidential information regarding a relative. As with any data, this information must be treated as strictly confidential in line with the Data Protection Act. Managers should make every effort to avoid a situation where a conflict of interest could arise.

7. Relationships between Existing Employees

Where relationships already exist, or a relationship develops after appointment that may lead to a conflict of interest or which may potentially affect or overlap with a professional relationship the relationship must be declared to a line manager at the earliest opportunity.

The line manager will consult with the Head of Shared Services and consideration will be given to the appropriate action which may need to be taken. It is recommended that alternative management arrangements will be put in place where possible. These could include changing reporting relationships or individuals changing their job.

8. Bringing Dependants into the Workplace

It is the responsibility of employees to ensure adequate childcare/care arrangements are in place whilst they are at work. However, it is recognised that there may be occasions where childcare/care arrangements fail, and an employee may have to bring their dependant(s) into work in order to cancel prior engagements or make any necessary handover arrangements.

Dependants may accompany their parent or carer on a brief visit to their workplace provided it is with the agreement of their manager, unless such a visit would expose them to health and safety risks in that particular environment. In cases where a dependant does accompany an employee, the employee is responsible for the welfare of the dependant and must minimise disruption to the normal flow of work.

Employees who have an agreement to work from home should ensure they have adequate childcare/care arrangements in place during the period they are working at home.

9. Provision of Work Experience for Relatives and Youth Placements

Employees should not offer paid work experience or youth placement opportunities to relatives. Such recruitment should operate through the proper recruitment channels.

It is recognised that this policy may significantly affect some current working arrangements in Departments. Line managers are encouraged to seek advice from Head of Shared Services where necessary when considering the need to review current

working arrangements and when considering whether alternative arrangements are required.

This policy will be effective immediately for the recruitment of new employees. However, it is accepted that appropriate time will be needed to review arrangements for existing employees especially in circumstances where this may require changes to current working arrangements.

10. Procedure

Employees are required to declare an interest to their line manager if they are working with a relative or if a relative is an applicant in a recruitment process that the employee is involved in. When an interest has been declared, line managers are required to take steps as described below to prevent against favouritism, nepotism or unfair practice and to ensure that all staff are treated fairly and equitably.

When an employee does not declare a relationship as defined in this policy and the line manager becomes aware of such relationship, the line manager will raise the matter with the employee concerned and take necessary action to comply with this policy in consultation with Human Resources.

Where another employee believes there has been favouritism, nepotism or unfair practice and wishes to make a complaint they should raise the matter with their line manager in the first instance. If it is not possible to resolve the matter informally, they should raise a complaint under the Complaints Policy.

11. Roles and Responsibilities

The following sets out the roles and responsibilities for employees when working with relatives.

Employees

No employee may be involved in the recruitment process, including for work experience or youth placements, where a relative is a candidate. Employees are required to declare an interest if they are involved in the recruitment process where an applicant is a relative and withdraw from the process.

Employees are required to declare a conflict of interest to their line manager if they are working with a relative or a relationship develops within the Provision.

Recruiting Managers

Recruiting managers should ask interview panel members to confirm whether they have any declarations of interest. If an employee in their reporting line, reports to a relative of a candidate or is a close colleague of a candidate's relative they should not be solely involved in the interview process. They may however be part of the panel, provided they have declared the reporting relationship to the interview panel.

Recruiting managers should ensure that where any member of an interview panel has a line management report who is a relative of a candidate, there should be an independent person appointed to the assessment panel.

Heads of Department/Provision or Line Managers

When an employee declares they are working with a relative or a relationship develops, a review of responsibilities and line management should take place, led by the line manager in consultation with Human Resources.

Line managers should try to ensure that there are no line management relationships between relatives wherever possible, whether it is in a direct or indirect sense. If this situation exists or develops a review of the management structure should be carried out, in consultation with Head of Shared Services and alternative arrangements considered. This may include changing reporting relationships or individuals changing their jobs or changing location.

Heads of Department/Provisions should try to ensure that decisions with regards to employee matters are not taken by relatives. If this is not possible alternative arrangements should be put in place so that a senior, unrelated manager has oversight of these decisions.

12. Monitoring and Review

In order to assess the effectiveness of the Procedure, statistics will be maintained in respect of the complaints of harassment and Bullying. Strict confidentiality will be maintained, and the monitoring process will comply with the Data Protection Act (2018).

The effectiveness of this policy will be reviewed annually.

Impact of non-compliance:

Staff:	Disciplinary action, Support Plans
Student:	Not applicable
Legislation/organisational:	Reputational damage, litigation, statutory and non-regulated compliance. Staff Retention, Poor employee performance etc
Compliance lead:	Corporate Services (Corporate Services)
Policy Reference:	ELGR-POL-HRM-019
Version:	1
Agreed policy location:	DatabridgeMIS
Does the policy require Governor approval?	No

Approval

<p>Prepared by Scott Roberts (Assoc. CIPD) 01/09/2021</p>  <p>Head of Corporate Services</p>	<p>Approved by Tony Brown 01/09/2021</p>  <p>CEO</p>	<p>Counter Signatory Karl Wane 01/09/2021</p>  <p>Director of Post 16 Education</p>
--	--	---

Version Control

Version	Date	Revision	Review Date
1	01/09/2020	Policy Reviewed	31/08/2021
2	01/09/2021	Policy Reviewed	31/08/2022
3			
4			
5			