

Quality Management System

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Relationships at Work Policy

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Contents

Section and Title	Page Number
Alternative Format Statement	2
1.0 Introduction	4
2.0 Relationships between staff and students	4
3.0 Relationships between members of staff	7
Contact Information	13

Relationships at Work Policy

1.0 Introduction

The aim of this policy is to cover two main areas:

1. Relationships between staff and students
2. Relationships between members of staff

As this policy can involve processing personal data, data protection regulations will be adhered to. Please refer to the Data Protection Policy (ref: POL-DP-01) for further information.

2.0 Relationships between staff and students

It is important that all staff within the Bishop Auckland College Group understand the level of professional conduct expected of them in respect of relationships with students. For guidance on appropriate use of internet, email and social networking with regards to relationships at work, please refer to the staff Code of Conduct, Social Media Policy and IT Acceptable Use Policy (ref: POL-IT-07).

All staff should be aware of the Code of Conduct (ref: HR-DP-01) and should contact their line manager or Executive Director of People if they are unsure about any aspect of relationships at work, including online relationships.

2.1 Relationships with students under the age of 18

Staff must be aware that relationships with students under the age of 18 are strictly prohibited.

Colleges act in loco parentis for students under 18. There is a clear expectation that no member of staff, whether in a teaching, support or voluntary role, should enter into a relationship with any student under the age of 18.

Moreover, teaching staff in particular should be aware that having a relationship with a student under 18 could be treated as a criminal offence that may result in imprisonment.

The Sexual Offences Act 2003 contains provisions that specifically deal with offences against children and sections 16 - 24 of the Act deal with the abuse of a position of trust, including sexual activity with a child under the age of 18. The purpose of these provisions is to protect young people who are considered to be particularly vulnerable to exploitation by those who hold a position of trust or authority in their lives. In such cases, it is not relevant that the sexual activity was consensual, due to the particular relationship between the student and the abuser. These offences are designed to protect 16- and 17-year-olds from being persuaded to engage in sexual activity, which would not be criminal except for the member of staff's position of trust in relation to the student.

Positions of trust are defined in sections 21 and 22 of the Act and include looking after persons under 18 in an educational establishment, residential settings, or where duties involve regular unsupervised contact with children in the community.

Staff entering into close personal relationships with students under 18 will be subject to the Group's Disciplinary Procedure. This behaviour may constitute gross misconduct, which could lead to summary dismissal and a referral to the Disclosure and Barring Service.

2.2 Relationships with students aged 18 or above

Close personal relationships between a staff member and a student with whom they have a professional relationship or responsibility are strongly discouraged, in recognition of the difficulties that can arise. This would apply to all staff members

All students are entitled to equality of treatment and it is important that this is maintained and also perceived to be maintained. The Group and its staff have a professional responsibility to protect the interests of the students. Relationships between staff and students are not generally equal, as staff members can be seen to have a higher hierarchical status at the Group than the student. A relationship between a member of staff and a student poses risks to both parties: the student may become isolated from peers, particularly if other students perceive there to be favourable treatment from the member of staff, which could affect the student's group work and general college experience.

The member of staff may find relationships with colleagues strained, and may risk allegations of harassment from the student, particularly if the relationship were to break up.

However, it may be that a close personal relationship already exists between a member of staff and a student or a relationship may develop between a member of staff and a student of 18 years or more. In any eventuality that this occurs where a member of staff has a professional role of teaching, tutoring, assessing, supervising, training, or providing pastoral, administrative or technical support to the student then the following must be adhered to:

- It is the responsibility of the member of staff to inform the line manager and Executive Director of People, in confidence, if they are in a close personal relationship with a student aged 18 years or more. This requirement applies equally to relationships that existed prior to employment or enrolment and to relationships that develop at college.
- If the staff member has a direct professional relationship with the student or any influence on the student at college, the Group will put in place appropriate arrangements to ensure that the student's learning and assessment procedures are free of bias.
- The Group will also advise the member of staff and the student that their personal relationship should be conducted entirely off Group premises. This is to avoid negative perceptions from other members of staff and students.
- There is a possibility that due to the personal relationship, the student may be in a position to gain greater knowledge from the staff member. The line manager and Executive Director of People should consider this possibility when ensuring that the student's assessments are free from bias.
- Although the line manager and Executive Director of People will treat the disclosure sensitively and in confidence, it is likely that other members of staff will need to be informed. This will be on a strictly need-to-know basis and this will be discussed with the member of staff first. Examples of when the disclosure might need to be shared, in confidence, include advising those assessing the student's work, which may include external verifiers or moderators. This may be necessary in order to maintain the integrity of the assessment process.
- Failure to disclose a personal relationship with a student should be dealt with under the Group's Disciplinary Procedure (ref: BAC-HR-1-01).

If a student declares a relationship with a member of staff, the Group should follow the same procedure to put in place appropriate arrangements.

It would be completely unacceptable for a member of staff to form a relationship with a student based on preferential treatment in return for sexual favours. Any such behaviour should be subject to the Group's Disciplinary Procedure and may constitute gross misconduct.

2.3 Relationships with students who may be vulnerable

Staff should be aware that close personal relationships with students who may be vulnerable are prohibited. This type of relationship could be viewed as an abuse of the staff member's position of trust and breach of the standards of professional conduct expected within the Group. Any member of staff who enters into such a relationship should be subject to the Group's disciplinary procedure. This behaviour may constitute gross misconduct, which could lead to summary dismissal and a referral to the Disclosure and Barring Service.

3.0 Relationships between members of staff

It is not uncommon for people who work for the same Group to have a close personal relationship, on either a permanent or short-term basis. Staff should be aware of the following legislation that could have an impact.

3.1 Relevant legislation

Human Rights Act 1998:

Staff members have the right to respect for private and family life, under Article 8 of the Human Rights Act 1998. This includes a right to be able to form personal relationships. However, the rights under Article 8 may be limited in certain circumstances, such as for the purpose of protecting the rights and freedoms of others, which could include the employer and other staff members. The employer has the right to expect staff members to fulfil their duties and to behave in a professional manner at work, and staff members have the right to work without being disturbed or distracted by inappropriate behaviour at work.

Equality Act 2010

Gender: Under the Equality Act, an employer must not treat a woman less favourably than a man (or vice versa) on grounds of gender.

Marital status: The Equality Act prohibits discrimination in employment against married persons and civil partners. Staff members will be treated equally, regardless of their marital status. If any changes are made to a staff member's role because they are in a close personal relationship with a colleague, this will be done with clear, objective reasons and not automatically on the basis of the staff member's marital or civil partnership status.

Sexual orientation: The Group will apply this policy on relationships at work equally to all staff members, regardless of their sexual orientation.

Age: All staff members will be treated equally under Group policies regardless of their age.

Implied contractual terms: All staff members' contracts have an implied 'duty of faithful service', which means that they should not act in a way that knowingly damages the employer's interests. Staff are asked to declare potential conflicts of interest, such as certain close personal relationships (e.g., where there is a line management link).

3.2 Definitions of close personal relations

The Group defines the types of relationships as follows (this list is not exhaustive):

- Romantic / sexual relationships
- Family relationships
- Business/financial/commercial relationships
- Spouse / partner
- Dating couples
- Parents / in-laws / step-parents
- Children / step-children
- Siblings
- Grandparents and grandchildren
- Aunts, uncles and cousins

3.3 Aim/s of the policy on relationships between staff

The aim/s of the Group is to provide an open and equitable workplace free from bias, where staff members can perform their roles without unnecessary distraction from colleagues.

In terms of balancing these aim/s with staff members' right to a private life, the Group will not seek to impose a blanket ban on relationships at work. The Group will consider the risks that relationships at work could have, where those risks are most likely to occur and the level of impact that they could have.

The Group recognises that some staff will be in close personal relationships with a colleague and aims to create a culture of openness where staff members are willing to disclose their relationship. The Group's aim/s is that staff members understand the benefits of having such a policy and are confident that the Group will handle declarations of close personal relationships in a manner that is sensitive and proportionate.

3.4 Issues that can arise from close personal relationships at work

In the Group it would not be unusual for a member of staff to have a relationship with another staff member. However, issues could arise in certain situations, particularly where there is a perceived or actual conflict of interest or risk of bias. It is important that staff members are able to do their jobs effectively in an open and equitable workplace.

Line management responsibility usually includes appraisal and assessment of the staff member, as well as decisions in relation to disciplinary, grievances, allocation of work, the structure of the team and the authorisation of expense claims. A close personal relationship could cause a conflict of interest with those duties, and it is certainly likely that other staff members would question a manager's decisions in relation to a direct report with whom he or she has such a relationship.

Likewise, a close personal relationship that exists between two colleagues could cause problems for other team members if it interferes with team dynamics or if the two staff members bring personal discussions or disagreements to work. There could also be risks of the staff members communicating confidential information to each other.

There could be a conflict of interest where a staff member is involved in a recruitment or promotion process and they are in a close personal relationship with one of the applicants.

Where there is a close personal relationship of a romantic or sexual nature between staff members, there is a risk that public displays of affection at work could cause discomfort for their colleagues.

Different problems could arise if a relationship breaks up: there is a risk of complaints of unfavourable treatment, reprisals or even harassment. As an employer, the Group could be held vicariously liable for an act of sexual harassment of one staff member against another, unless it can show that it has taken reasonable steps to prevent the harassment from occurring.

Staff members should be aware that the Group email system is for business purposes and should not be used to conduct personal relations with colleagues or to send inappropriate material.

3.5 Procedures for dealing with close personal relationships between staff members

The Group requires staff members to declare to the line manager and Executive Director of People a close personal relationship with another Group staff member in the following situations:

- The staff members are members of the same team
- There is a line management relationship between the staff members
- One of the staff members is responsible for promotion, performance management or pay/grading decisions in relation to the other staff member
- There are other circumstances which may be affected by the close personal relationship where there may be a conflict of interest or where unfair advantage may be gained, or perceived to be gained over other staff members – e.g., one staff member could be expected to observe the other etc

The procedure is outlined below:

- It is the staff member's responsibility to inform their line manager and Executive Director of People, in confidence, if they are in a close personal relationship with another staff member where there is also for example a line management, supervisory or other professional relationship.
- This requirement applies equally to relationships that existed prior to employment and to relationships that develop within the Group.
- The line manager and Executive Director of People will discuss with the staff members the potential impact of the relationship on the Group.
- Although the line manager and Executive Director of People will treat the disclosure sensitively and in confidence, it is likely that other members of staff will need to be informed. This will be on a strictly need-to-know basis and this will be discussed with the staff members first.
- The line manager and Executive Director of People will be responsible for making appropriate alternative arrangements in relation to recruitment, selection, appraisal, promotion or other situations or processes where there may be a conflict of interest or where unfair advantage may be gained, or perceived to be gained over other staff members.
- In some cases, it may be necessary to consider moving a staff member to another department, if the actual or perceived risk of conflict of interest cannot be avoided by other means. This should be discussed with the staff members concerned before it is commenced.

Failure to disclose the existence of such a relationship (in circumstances where the policy requires disclosure) will result in disciplinary action being considered.

3.6 Disclosing Inappropriate Relationship Behaviour by Students

Infatuations do occur occasionally on the part of a student towards a member of staff. In such situations the member of staff concerned must make every effort to remain above reproach and must discuss the situation with their line manager as soon as possible. It may become necessary to discuss matters with the student's parents or carer in order to avoid any hurt, distress or embarrassment.

The member of staff should ensure that they never allow themselves to be alone with the student concerned. The member of staff should also consider the virtual environment and ensure that they do not put themselves in a situation which could be misconstrued.

3.7 Recruitment and Selection

Any staff member involved in the Group recruitment and selection process must declare a close personal relationship with any of the applicants. It is important to ensure the recruitment and selection process is free from any perceived or actual bias towards a particular applicant. If a staff member is in a close personal relationship with an applicant, the Group can address the situation and take appropriate action, which may involve removing the staff member from this particular recruitment and selection process.

Applications for employment forms ask all applicants to declare any relationship they have with any members of staff within the Group.

3.8 Ending Relationships

It is important that if a close personal relationship ends, the staff members feel encouraged to inform their line manager and Executive Director of People. The Group would wish to be made aware of the end of a close personal relationship where this involved:

- A line manager and direct staff member
- Members of a team
- Any other close personal relationship which may affect the staff members' ability to fulfil their duties or may influence a staff member's decision making in the workplace.

When a relationship ends this can often be a difficult time for the parties involved. Having knowledge of the end of the relationship allows the Group to put in place measures to ensure it does not impact on the working environment of the staff members. There are certain steps which that will be considered when the Group is made aware that the relationship is over.

These include:

- Informing the staff member that there is support available
- Informing the staff member that, whilst the Group is sympathetic, the staff member still has an obligation to perform their job and act in a professional manner while at work towards this manager, colleague or subordinate
- Consider any provisions which have been put in place which may need reviewing accordingly
- It is also important to make sure the Group keeps this strictly professional and does not pry for any unnecessary details

Contact Information

For questions or feedback regarding this policy, please contact:

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