**A picture containing drawing

Description automatically generated**

Employing Relatives & Friends

This document is uncontrolled when downloaded or printed

Copyright © Care4Quality Ltd All rights reserved.

|  |  |
| --- | --- |
| Reference number | REG19:15 |
| Version | 1 |
| Author | H. Fuller |
| Owned by |  |
| Date ratified |  |
| Ratified by:  Signed |  |
| Issue date |  |
| Review date:  Signed |  |
| Target audience | Registered Managers, HR |

|  |  |
| --- | --- |
| **1** | **Purpose & Application** |
| **2** | **Responsibilities** |
| **3** | **Legislation & Regulation** |
| **4** | **Employing Relatives and Friends Policy & Procedure** |
| **5** | **Equality Impact Assessment** |

**Contents**

1. **Purpose & Application**

This policy has been developed in order to minimise the risk of problems arising through relatives, partners or close friends working together in the same working environment.  
  
There is no attempt here to define "relatives", "partners" or "close friends" because of the obvious difficulty in doing so.  
  
The aim of the policy is to put in place proper procedures to ensure that there can be no grounds for suspicion, no matter how ill founded, that employment decisions were in any way influenced by improper motives.  
  
The policy will apply to:

* Permanent employees
* Temporary employees
* Casual workers- including students, holiday and work placements including work experience placements
* Agency workers

Managers must consider the implications if relatives / partners or close friends work together and must consider what action to take, if they do.  
  
It will be the responsibility of managers to take any necessary action, in light of this procedure and on the basis of common sense and reasonableness.  
  
Broadly speaking, there will be three scenarios where this issue is likely to need particular consideration, i.e.,

* At the time of recruitment / appointment, and
* Where a relationship develops between two people whom currently work together
* A breakdown in professional relationships between family members or staff feeling that preferential treatment is given to relatives or friends

1. **Responsibilities**

**The Nominated Individual**: is accountable for the implementation of this policy in its entirety. They are a key contact for the service.

**The Registered Manager** is responsible for

* The implementation of this policy

**The Deputy Manager:** is responsible for implementing this policy in the absence of the manager.

**All Staff:** are responsible for ensuring this policy is adhered to at all times.

1. **Legislation and Regulation**

**Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 18**

The intention of this regulation is to make sure that providers deploy enough suitably qualified, competent and experienced staff to enable them to meet all other regulatory requirements described in this part of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. To meet the regulation, providers must provide sufficient numbers of suitably qualified, competent, skilled and experienced staff to meet the needs of the people using the service at all times and the other regulatory requirements set out in this part of the above regulations. Staff must receive the support, training, professional development, supervision, and appraisals that are necessary for them to carry out their role and responsibilities. They should be supported to obtain further qualifications and provide evidence, where required, to the appropriate regulator to show that they meet the professional standards needed to continue to practise.

1. **Employing Relatives and Friends Policy & Procedure**

**At the Time of Recruitment / Appointment**

All candidates for appointment are required to disclose on the The Company application form or at interview any relationship to a member of the Company or employee of the company.   
  
Any employee should not be involved, at any stage, in an appointment where they are related to an applicant or have a personal relationship outside work with him/her   
  
It is the responsibility of the manager concerned to require agency workers, consultants & contractors to declare, before they begin their assignment within the Company, whether they are related to, or are a partner or close friend of any existing employee or Company Manager or Director.  
  
There must, where possible (it is accepted that in a care organisation this may not always be possible, especially in smaller organisations) not be a line management relationship between relatives, partners or close friends. If, in exceptional circumstances, a decision is made to go ahead with such a working arrangement, departments will need to be able to demonstrate, by way of documentation, that they have made an assessment of the risks involved if the appointment is made. This assessment must include:

* The type of personal relationship
* The working relationship
* The level and function of the posts
* The function of the section
* The size of the work group
* Perception of others- colleagues / clients / public

The Director must endorse the decision made.

**Where a Relationship develops Within the Working Environment**

The Company realises that it is neither desirable nor possible to legislate against relationships developing within the working environment. This would also include relationships that develop between employees with business partners, suppliers and potential suppliers.  
  
Where this happens, the company need to realistically consider the implications and any action that may need to be taken.  
  
Depending upon the circumstances, this may involve the Director considering one or more of the following that are not listed in order of importance:

* Re-arranging the work
* Re-arranging the reporting relationship
* Moving one of the partners to another office or establishment if possible
* Voluntary redeployment to another department

Any proposed changes must be based on an objective view of the impact of the relationship on the working arrangements. The assessment should consider the factors contained within paragraph above.  
  
In all cases it is necessary for the Director or his or her nominee to consult fully with the parties involved and seek to reach agreement. The affected individuals will have the right to be represented by their trade union or workplace colleague. Care must be taken to ensure that any change made is not contrary to the provisions of the employee's contract of employment.

**AUTHORISATION / DOCUMENTATION / PROCESSES**

Both at the time of recruitment/appointment and subsequently, the line manager would normally authorise documentation related to salary, expenses, promotion arrangements, etc. However, in the exceptional circumstances of a line management relationship existing with a relative, partner or close friend, alternative arrangements must be made, for example a different line manager should deal with such matters.  
  
In any event, the following rules must always apply:

* It is not permissible for the relative, partner or close friend of an employee to be involved in drawing up any contractual documentation concerning the employment contract and other forms of contract such as the appointment of contractors.
* Employees should not be involved in decisions relating to discipline, complaints through Dignity at Work procedure, promotion, appraisal, financial claim (e.g. travel, subsistence and over time) or pay adjustments for any employee who is a relative, partner or close friend.
* Employees should not allow the impression to be created that an employment decision may have been taken for an improper reason. It is not sufficient that the employment decision was properly taken; the possible appearance of bias must be avoided.

**GENERAL**

Attention is drawn to the Company Code of Conduct for Employees which points out that an employee has an obligation to declare any private interest where there is a possibility that it could conflict with their duty as an employee of the Company. Such interests should be declared by the employee to their Director.

**5. Equality Impact Assessment**

|  |  |  |  |
| --- | --- | --- | --- |
| **Equality impact assessment checklist** | | **Yes/No?** | **Comments** |
| **1.** | Does the procedural document affect one group less or more favourably than  another on the basis of: | No |  |
|  | * Race | No |  |
|  | * Ethnic origins (including gypsies and travellers) | No |  |
|  | * Nationality | No |  |
|  | * Gender | No |  |
|  | * Culture | No |  |
|  | * Religion or belief | No |  |
|  | * Sexual orientation including lesbian, gay and bisexual people | No |  |
|  | * Age | No |  |
| **2.** | Is there any evidence that some groups  are affected differently? | Not intentionally but due to the nature of the policy it is a possibility. | There is potential for discrimination due to the nature of the policy and some of the discussions that may need to take place. These communications and subsequent actions will be carried out in a non-discriminatory and supportive way to achieve best outcomes for staff members and service users alike. |
| **3.** | If you have identified potential discrimination, are there any exceptions  valid, legal and/or justifiable? | N/A |  |
| **4.** | Is the impact of the procedural document  likely to be negative? | No |  |
| **5.** | If so can the impact be avoided? | N/A |  |
| **6.** | What alternatives are there to achieving the procedural document without the  impact? | N/A |  |
| **7.** | Can we reduce the impact by taking  different action? | N/A |  |

If you have identified a potential discriminatory impact of this procedural document or need advice, please document the action required to avoid/reduce this impact.