



# Employment of Close Relatives Model Policy

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**November 2018**

<b>Signed (Chair of Trustees):</b>	
<b>Date:</b>	<b>November 2018</b>
<b>Review:</b>	<b>November 2019</b>

The Arbor Academy Trust reviews this policy annually. The Trustees may, however, review the policy earlier than this, if the Government introduces new regulations, or if the Trust receives recommendations on how the policy might be improved. This document is also available in other formats e.g. e-mail and enlarged print version, on request to the School Offices and is displayed on the schools' websites.

## Section 1: Outline of policy

### **1. Introduction**

- 1.1 In any organisation, there may be occasions when close relatives may be employed by that organisation. Ordinarily, the employment of close relatives in a large organisation is of little significance, but in smaller organisation such as Schools significant problems can arise.
- 1.2 The Council recommends that schools do not employ close relatives but recognise that they may have already been employed. We would like to highlight to schools where problems can arise and to provide guidance on how these can be minimised.
- 1.3 In particular, problems will/may occur where partners or relatives work together in a direct line management relationship, or where there is some form of authority exercised by an individual over a close relative. It is not suggested that individual employees would allow themselves to be influenced by personal relationships, however it would be advisable to avoid circumstances, which such practice might be alleged or inferred.

Some examples include:

- a) The appointment of staff
  - b) The managing of staff
  - c) The counselling of staff
  - d) The appraising of staff; or
  - e) The disciplinary of the other person; or
  - f) Any interaction or decision where there may be a perception of either adverse or favourable treatment due to the relationship involved.
- 1.4 In circumstances where close relatives work together, there is potential for division of loyalty or allegations of favouritism or nepotism, which must be avoided. The requirements of equalities legislation and regulation must be scrupulously observed and therefore selection for appointment, training and promotion must not be affected by marital or family status. Nor should an employee's right to privacy be infringed. It is important that working arrangements are fair and seen to be fair in practice.
- 1.5 The Council has therefore developed the following policy to guide the Trust Board and Local Governing Body members, Heads of School, Senior Leaders and Line Managers. This policy should form part of the School staff handbook and therefore part of the terms and conditions of all staff employed by the School.
- 1.6 Employees should be aware that a breach of this policy could lead to disciplinary action being taken.

### **2. Scope**

- 2.1 The School Staffing (England) Regulations 2009 as amended in 2013 & 2015 and accompanying statutory guidance on managing staff in schools recommends the Governing Body delegates functions relating to staff appointments, outside of the Leadership group to the Head teacher
- 2.2 All decisions made by the school must comply with the Equality Act 2010, which prevents discrimination on the grounds of age, race, religion or belief, disability, gender reassignment, sex, sexual orientation, marriage and civil partnership.
- 2.3 This policy covers all members of staff who are employed within a school on a permanent, agency,

temporary, casual, contract, fixed-term or secondment basis, including Head teacher and deputy Headteachers.

### **3. Policy Statement**

3.1 Close relatives and members of the same household should not normally be employed in positions where one has a supervisory responsibility for the other or makes employment decision pertaining to the other, or exercises authority over the other.

3.2 Close relatives are defined as the employee's:

- a) Spouse or partner, or former spouse or partner (including same sex partners and civil partners);
- b) Parent, parent in law, grandparent;
- c) Brother or sister (including in laws);
- d) Son or daughter (including in laws), grandchildren;
- e) Uncle, aunt, niece, nephew;
- f) Step family members falling into the above categories; and
- g) Close friends (although they are not relatives the nature of these relationships may result in nepotism, favouritism or unfair practice being implied or alleged).

3.3 Potential problems that may arise:

- a) embarrassment or awkwardness for co-workers;
- b) difficulties in arranging annual leave to accommodate both if support staff; and
- c) concerns of lack of objectivity in the event of disagreements within the workplace or in relation to any incidents/investigations.
- d) Grievances due to perceived favouritism of family members of co-workers

3.4 The Trust Board, in exercising its statutory responsibility under the 'School Staffing (England) Regulations 2009, will not delegate to the Head teacher functions relating to staff appointments where a potential candidate is a close relative. The Head teacher, in exercising their delegated responsibilities for staff appointments, will ensure that no member of staff may be involved in a recruitment process where a close relative is a candidate.

### **4. Key Principles**

4.1 Applicants for employment within the School will be asked to declare whether they are a close relative (as defined at 3.2, above) of any existing employee (as defined at 2,3, above) of the School. The existence of a relationship between an applicant and an employee.

### **5. Roles and Responsibilities**

5.1 Employee Responsibilities

- a) To declare any relationships prior to being appointed;
- b) To declare any relationships that form during their employment at the school, whereby there may be a conflict of interest or perceived conflict of interest as a result of the personal relationship.

5.2 Management Responsibilities – Trust Board, Local Governing Body Members /Head teacher

- a) To declare any relationship to any candidate so that they can removed from any

recruitment processes;

- b) To declare any relationship to any employee that they may supervise during their employment at the school;
- c) To ensure School follows fair and transparent procedures to avoid allegations of favouritism or nepotism.

#### **5.4 Human Resources Service Provider Responsibilities**

- a) Advising and supporting the Trust Board, Head teacher and Local Governing Body Members in the application of this policy.

### **Section 2 Outline of process**

#### **1. Recruitment of staff**

- 1.1 It is the Council's recommendation that schools do not employ close relatives due to the problems that can arise as stated above. However should the school choose to then we would recommend the following points are considered in the recruitment of new staff.
- 1.2 External and internal applicants for posts will be asked to declare relevant personal relationships when applying for the post to ensure that the member of staff they are related to/in a relationship with has no involvement in the application process.
- 1.3 Applicants for employment within the School will be asked to declare whether they are in a personal relationship with any existing employee of the school. The existence of a relationship between an applicant and an employee.
- 1.4 Anyone on the recruitment panel who is involved in the selection process (shortlisting or interviewing) and is aware that a closely related person, or indeed any other person that they know personally, has applied, must declare this to the other members of the shortlisting/interview panel at the earliest opportunity. The individual will be withdrawn from the selection process and replaced by a suitable colleague.

#### **2.0 Supervision of staff**

- 2.1 If a person is appointed to a post where they would have been supervised by a close relative or where they would have been required to supervise a close relative, then alternative management arrangements must be put in place
- 2.2 In situations where two employees become close relatives by marriage or civil partnership it will be the responsibility of the Head teacher to put arrangements in place for alternative management arrangements.
- 2.3 Alternative management arrangements may include altering the reporting line or arranging for a third party to supervise the working relationship.
- 2.4 Where a personal relationship exists between employees who are in a line management or supervisory relationship at work, they must not be involved in recruitment, selection, appraisal, promotion or in any other management activity of process involving the other party whereby there may be a conflict of interest or perceived conflict of interest as a result of the personal relationship. In such circumstances the relevant manager, senior manager or Head teacher (or Chair of the Trust Board, if the Head teacher) should be informed and will, where appropriate, make alternative arrangements and confirm them in writing. The relevant manager, senior manager or Head teacher will treat these matters in confidence.

### **3.0 Confidentiality of staff**

- 3.1 Employees may from time to time come across confidential information relating to a close relative. Managers should make every effort to avoid a situation where a potential conflict of interest could arise that could lead to a breach in confidentiality/data protection.
- 3.2 Employees also have a responsibility to raise the issue with their manager if they believe they may be placed in a difficult situation because of their work and family/personal relationship. Where employees form close relationships at work they should raise the issue with their manager to discuss whether alternative management arrangements would be necessary.
- 3.3 Employees involved in personal relationships should exercise due regard for the professional nature of the workplace and behave in a professional manner at all times, paying due consideration to colleagues.
- 3.4 Employees should be aware that a breach of this policy could lead to disciplinary action being taken.