Personal Relationships Policy and Procedure

For use in:	All Colleges/Schools/Departments of the University
For use by:	All staff and students
Owner:	The University of Leicester
Dates of Trade Union and Students' Union Consultation:	August to September 2020
Launch date:	December 2020
Contact:	Dr Angie Pears, Interim Associate Director of EDI and Organisational Development
Policy approved by Executive Board	November 2020
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1. Policy Statement

1.1. The University of Leicester recognises the needs and rights of all of its members to have a private life free from governance by the University. The University of Leicester is committed to sustaining an inclusive learning, working and research environment characterised by respect and dignity, and free from harassment, bullying, abuse and discrimination (detailed in the Dignity and Respect at Leicester Framework).

1.2. Relationships between staff and students can introduce a power differential which has the potential to result in unfair disadvantage or advantage in the professional relationship, even or particularly when the personal relationship has ended. This Policy and Procedure will support staff and students in identifying how power differentials could arise, and how these will be managed in personal and professional relationships.

1.3. For definitions of commonly-used terminology referred to throughout the Policy/ Procedure, please see Appendix 1.

2. Purpose of the Policy

2.1. The purpose of this Policy and Procedure is to ensure fair access to, and chance of, services and academic attainment, without the possibility of a personal relationship affecting this. This policy is implemented to support the University's duty of care towards its student body, and works in conjunction with the Dignity and Respect at Leicester Framework, and other documentation listed in Section 5.

2.2. The Policy requires people to declare personal relationships (where the professional relationship falls within the scope of this policy), rather than seeking to prevent the personal relationships. This is in line with the Human Rights Act 1998 which pertains to a right to respect of family and home life.

2.3. Disclosure of personal relationships, as defined in this policy, does not need to mention or detail any personal, sexual or romantic preferences, whether these are related to commercial engagements (i.e. sex work), for example, or otherwise. Regardless of the nature of the personal relationship, conflicts of interest and risks to health and wellbeing may be introduced to the professional context due to power differentials between staff and students. This policy is designed to ensure any potential conflict of interests, discrimination, favouritism or bias are eliminated for those involved in the relationship(s), or those connected in some way to either the personal or professional relationships.

3. Scope of Policy

3.1. 'Staff-Student relationships' are defined in Appendix 1. This Policy primarily concerns itself with all professional relationships involving staff and students, regardless of the nature of the professional interaction. This is in all University settings including academic, professional and corporate services, and also relates to those occupying temporary or flexible staff or student contracts.

3.1.1. There are a number of policies, procedures and guidelines in place to ensure that any power differential between two staff members in a personal relationship, as defined by this policy, are managed effectively (see section 5) in relation to specific areas of activity or responsibility. As such, any actual or potential conflicts of interest, due to a personal relationship between two staff members, should be declared as part of that specific process.

3.1.2. Staff are reminded that if they are involved with any process that could result in personal gain (eg financial) for themselves or the member of staff they are in a personal relationship with or cause someone else to be at a disadvantage, they should either declare this or not be involved with that process. If there is not an existing policy or process to mitigate the power differential in a particular staff-staff relationship then the senior member staff in the relationship must speak with their HR Business Partner.

3.2. For the purpose of this Policy and Procedure, the term 'student(s)' includes all undergraduate and postgraduate students, including campus-based and distance learners. Postgraduate students, and in fact some undergraduate students, may also be members of staff if they are, at any point during their studies, employed by the University, albeit temporarily. For the purposes of this policy, a student who is also a member of staff and who is in a relationship with a student, is deemed a staff member and would need to disclose accordingly. Conversely, if a student who is also a member of staff is in a relationship with a member of staff, then for the purposes of this policy they are deemed to be a student.

3.2.1. If you are a student in a relationship with a member of staff, and you are aware that this has not been disclosed, please seek advice and guidance from the Standing Together Team at standingtogether@le.ac.uk.

3.3. For the purpose of this Policy and Procedure, the term 'staff' includes all individuals employed or paid by the University (or associated company within the University community, e.g. Leicester Services Partnership) on a temporary, full-time or causal basis. Please see Appendix 1 for a definition of the term 'staff' and 'University community', to clarify what these terms entail.

3.4. The Policy and Procedure is only applicable for personal and professional relationships including at least one member of staff and at least one student. Relationships purely between students (who have no professional or employment status with the University) are out of scope of this document. Additionally, personal relationships between staff are also out of scope of this document.

3.5. For the purpose of this Policy and Procedure, the term 'personal relationship' is defined in the definitions section in Appendix 1. Please see this section for more specific examples (but, by no means, not an exhaustive list) of what could constitute as a personal relationship. We ask that staff use professional judgement and integrity to assess their personal and professional relationships, where required.

4. Relationships between Staff and Students

4.1. There are two circumstances in which this Policy and Procedure will be applicable between staff and students:

4.1.1. A: Where there is an existing personal relationship and a new professional relationship arises (examples in definitions document) – i.e. if a staff member, who a student was already in a romantic relationship, started at the University.

4.1.2. B: Where there is an existing professional relationship and a new personal relationship arises (examples in definitions document) – e.g. if an existing staff member and existing student start a romantic relationship.

4.2. Please see Section 3.2 for direction around students who may also hold staff positions at the University.

4.3. In both of the above circumstances, the Assessment of Potential Risk (Appendix 2) must be completed to ensure risks are mitigated.

5. Existing Policies, Procedures and Guidance to Refer to:

5.1. Dignity & Respect Framework
5.2. Research Code of Conduct
5.3. Financial Regulations section 2.4 Code of Conduct and Declaration of Interest
5.4. Recruitment – Conflict of Interest
5.5. Viva Examiner and Chair Responsibilities
5.6. University Codes of Practice

6. Equality Analysis

6.1 This policy has been subject to equality analysis and will be monitored and reviewed on a regular basis.

7. Procedures

In all of the circumstances highlighted above in 4.1 (also articulated in Appendix 1), the following procedure will apply:

7.1. The staff member ("Person A") discloses to an appropriate Responsible Officer (see definition in Appendix 1) that they have a personal relationship with another student, who they are about to have, or already have, a professional relationship with.

7.2. Details about the exact nature of this personal relationship do not have to be disclosed to the Responsible Officer but an Assessment of Potential Risk (see Appendix 2, 3 and 4 for guidance) must be completed to determine proportionate modifications needed, to be taken by the appropriate member of staff (e.g. the Responsible Officer) to modify the professional relationship.

7.3. "Proportionate" modifications (see Appendix 4) are to be determined by completing the Assessment of Potential Risk.

7.4. A new Assessment should be completed for any new relationship (personal or professional) as covered in this Policy and Procedure, and/ or for any changes in existing (personal or professional) relationships where an assessment of potential risk may have already been completed.

7.5. When an existing relationship, that has already been disclosed and assessed, ends the initial Assessment must be reviewed and risks must be mitigated to protect both parties, whether the personal relationship has ended amicably or not.

7.6. If the Responsible Officer was initially the Line Manager of Person A, and then there is a change in Line Management, Person A (as noted in 7.1) should contact their HR Business Partner to discuss whether there is a necessity to share the original assessment with their new Line Manager.

7.7. Brief details of the nature of disclosed relationship (not the exact nature of the personal relationship) will be shared with the student, "Person B", (see Appendix 1) to verify details – including ending of relationships.

7.8. A copy of the Assessment of Risk, and details of modifications made to reduce risks associated with power differentials, will be stored on the staff member's central employment file. This Assessment of Risk and associated modifications will be kept in accordance with the University's HR retention schedule and data protection policies.

7.9. Guidance for processing disclosures and completing the Assessment of Risk is in Appendices 3, 4 and 5.

7.10. If you are a student in a relationship with a member of staff, and you are aware this has not been disclosed, please seek advice and guidance from the Standing Together Team at standingtogether@le.ac.uk

Appendix 1 – Definitions

Personal Relationship:
Personal relationships are identified by assessing how an interaction may differ to interactions you have with other members of the University community, in a professional capacity. Length of interaction does not determine the nature of a relationship. Examples of personal relationships include:

- Romantic relationships – including dating, cohabiting, and marriage/ civil partnerships.
- Sexual relationships – one off or recurring, including commercial sexual relationships involving the buying or selling of sexual services (please see the Student Sex Work Policy for more information).
- Cohabiting in a non-sexual or non-romantic capacity
- Provision of goods or services outside of a professional capacity – including being a property owner/ cleaner/ food provider

Disclosure does not need to entail or detail any personal, sexual or romantic preferences.

If you believe, using your professional integrity judgement, your personal/ professional relationship (within the scope of this policy and procedure) may introduce a conflict, even if not specified above, you must still complete an Assessment of Potential Risk (Appendix 2).

Types of Personal Relationships:

A: Where there is an existing personal relationship and a new professional relationship arises.

E.g. when a two people (including one student) are already in a romantic relationship, and the non-student then becomes a member of staff at the University.

B: Where there is an existing professional relationship and a new personal relationship arises.

E.g. when a staff member and student begin any kind of personal relationship.

Staff-Student Professional Relationships:

A staff-student professional relationship is a relationship between a student and a staff member of the University community. A professional relationship may be present even if the likelihood of professional interaction is low – in theory, all staff and students of the University have, or could have, professional relationships with one another. Given this, all personal relationships between staff and students (whether they have direct professional contact or not), have a power differential and therefore would trigger the need for the completion of an assessment of risk.

Student:

A student is defined as a member of the University community studying at an Undergraduate or Postgraduate level. These include both campus-based and distance learners. Students may also include those predominantly undertaking research. Students may not necessarily be paying tuition fees (and may be receiving a wage or stipend), but may still be categorised as a student.

Staff/ worker:

Both types of staff, as outlined below, will be referred to as "staff" throughout the policy.

- Staff: individual employed by the University under a Contract of Employment, or by another organisation within the University community (e.g. LSP).

- Worker: individual engaged to undertake work under a Contract for Services.

Responsible Officer (RO):

ROs are responsible for receiving disclosures and processing this in accordance with this Policy.

The RO should default to being the Line Manager or Supervisor of the staff member making the disclosure. If this is not possible, the RO should be the Line Manager's Manager/ Supervisor. If neither of these are possible, the disclosure should be made to, and processed by, the local HR team/ representative.

The role of the RO will require training and clear guidance around how to process disclosures, particularly noting that specific details should not be asked, and presumptions should not be made in relation to the nature of the personal relationship(s). All information collected by the RO should be treated respectfully, and in line with the University's data protection policies.

If the Responsible Officer was initially the Line Manager, and then there is a change in Line Management, Person A (as noted in 8.1) should contact their HR Business Partner to discuss whether there is a necessity to share the original assessment with their new Line Manager.

Person A:

Person A is the staff member making the disclosure to an appropriate RO (as above). This staff member ("Person A") would be the only staff member in a staff-student relationship.

Person B:

Person B is the student who Person A has disclosed being in a personal, and some kind of professional, relationship with.

University Community:

In the context of this Policy, this involves individuals who may have power or influence within the Institution. This may include Leicester Services Partnership (LSP) as relationships with members of such organisations and services could introduce a power differential for staff and/ or students of the University.

Appendix 2 – Assessment of Potential Risk to Determine Proportionate Action

<table>
<tr><th colspan="4">ASSESSMENT OF POTENTIAL RISK</th></tr>
<tr><td>1. Name of Responsible Officer (completing this form):</td><td></td><td>2. Job Title of Responsible Officer</td><td></td></tr>
<tr><td>3. Name of Member Staff (Person A)</td><td></td><td>4. Name of Person B (the student) (and necessary contact details)</td><td></td></tr>
<tr><td>5. Is Person B aware of this disclosure?
If ‘No’ you have 7 days to discuss with Person B. After this date, the Responsible Officer will make contact with Person B.</td><td>Yes/No*

(delete as appropriate)</td><td>6. Brief description of professional relationship being declared:* – e.g. Supervisor/ mentor/ PI/ Personal Tutor</td><td></td></tr>
<tr><td colspan="4">7. Please consider and indicate all of the following that apply to either the current circumstances or future circumstances that you know are going to change the implications of a professional/ personal relationship.
8. Generally, in cases of ‘scenario a’ in section 4.1 of the policy, both columns should be completed. Generally, in cases of ‘scenario b’ in section 4.1 of the policy, it might only be relevant for the first column to be completed.
9. If the answer is ‘Yes’ to any of the scenarios below, please record, any action that has been taken or is planned to take place to mitigate any potential conflict of interest and risks for all parties. Please note, where there is a personal and professional relationship of any of the kind below, some action must be taken.</td></tr>
</table>

10. **SCENARIOS**	11. **CURRENT PROFESSIONAL RELATIONSHIP and MODIFICATION (including action already taken)**	12. **FUTURE/ PLANNED PROFESSIONAL RELATIONSHIP and MODIFICATION**
13. Direct management and supervision of student and student development. **Yes/No* (specify as appropriate)**		
14. Are you in a role that could influence access to support, wellbeing and career progression for this person? **Yes/No* (specify as appropriate)**		
15. Assignment of work and facilities and personal tutors and supervisors to students. **Yes/No* (specify as appropriate)**		
16. Contractual matters including employment, career opportunities, placements, complaints and discipline. **Yes/No*(specify as appropriate)**		
17. Deployment of financial and other resources. **Yes/No* (delete as appropriate)**		
18. Access to confidential information. **Yes/No* (specify as appropriate)**		

19. Responsibility for assessment of the individuals work. **Yes/No* (specify as appropriate)**		
20. Decision maker in respect to decisions which have a potential effect on the individual, such as provision or withholding of any of the following: facilities for research, the allocation of places on courses, bursaries/ scholarships/ grants for research/ reimbursement of expenses. **Yes/No* (specify as appropriate)**		
21. Please consider and specify the likelihood of the current or future planned professional relationship changing, in relation the likelihood of your interaction with the individual with whom you have a personal relationship. In reference to this, please specify proposed action in those circumstances.		
22. Other information that you wish to share:		
23. Signed Member of Staff (Person A)		Date
24. Signed Responsible Officer		Date
Notification that, as detailed above, a previously assessed personal relationship has ended		
25. Is the above mitigation still required now that the personal relationship has ended? **Yes/No* (if No please justify this decision, if Yes please go to Question 26.)**		
26. If the above mitigation is still required now that the personal relationship has ended, are there any additional modifications required? **Yes/No* (specify as appropriate)**		
Verifications	Signed member of staff: Date:	27. Signed Responsible Officer (after verification from Person B): Date:

Appendix 3 – Guidance for Responsible Officers in completing the Assessment of Potential Risk

Points 1 + 2:
Please see Appendix 1 for a definition and outline of the Responsible Officer role.

Point 3:
This is the member of staff the Responsible Officer is completing the assessment for ("Person A"), after their disclosure to the Responsible Officer.

Point 4:
This Assessment of Potential Risk must be completed for every pairing staff/students involving 2 members of the University community (with at least one being a member of staff, and one being a student). If there are personal relationships involving more than two members of the University community (at least one member of staff, and at least one student), this assessment must be completed for each individual the member of staff discloses to the Responsible Officer.
It may not be assumed that Person B has a University email account (or access to such), so necessary relevant contact details must be provided.

Point 5:
Whether Person B is aware of the disclosure or not, the Responsible Officer will make contact with Person B, in order to confirm the basic details of the assessment. Please see below for an email template for this purpose.
In order to support Person B in accessing support if you are unsure, please contact standingtogether@le.ac.uk.

Point 6:
Please state the roles of both individuals, even if, at the time of completing the assessment, they don't have any professional interaction.

Point 7:
Even if the specific nature of the personal relationship is disclosed at any point during this assessment, it should not be recorded on this form as it is not necessary information.

Point 8:
If there are circumstances whereby the category of relationship does not align with the columns to be completed, please act accordingly and complete whatever information is required. Add columns, rows, and any other additional information that may be required.

Point 9:

Please see Appendix 4 for some examples of proportionate action to be taken.

Point 21:
For example, although you may have only answered 'Yes' to one of the above fields, what is the likelihood of this changing the future, and possibly having to select 'Yes' to more of the fields?
* What could this change look like?

* How likely is it?
* How could this be avoided/ mitigated if it is required?

Point 22:

This should include any relevant information that has been noted above, on the basis of professional judgement on the part of the member of staff and Responsible Officer.

Point 26:

This section should only be signed by the Responsible Officer after verification of the end of the personal relationship by the second party. Where possible, this should be the same Responsible Officer, however, if this is not possible, this should be another appropriate Responsible Officer. Where possible the staff member should notify the second party of this verification contact in advance of this.

Appendix 4 – Examples of Proportionate Action to be Taken

Action taken will be dependent on the nature, likelihood of professional interaction, not necessarily the nature of the personal relationship.

- Change of line management, and/ or an alternative route for line management – for example, a different appropriate member of staff to take line management responsibility for the one member of a team who has the personal relationship with the line manager. The level of responsibility the 'proxy' line manager has for the member of the team may vary from involvement only in official employment-related decisions, to day-to-day line management and professional guidance
- Change of personal supervision as above
- Avoidance of direct and indirect involvement in progression panels or decision making bodies
- Supervision and scrutiny of staff members' professional actions when in relation to the University member they have a personal relationship with

Appendix 5 – Outreach to Person B (as Defined in Appendix 1)

(With whom Person A, as above, has disclosed to having a personal and professional relationship [of any kind] with.)

This action (outreach) should be taken no later than 7 days after Person A and the Responsible Officer have completed the above assessment of potential risk. If Person A has stated that they have already discussed this disclosure with Person B, this contact can be made as soon as is viable. Otherwise, Person A has 7 days to made Person B aware, and contact by the Responsible Officer will be made on the next viable working day after 7 days, or Person A has notified the Responsible Officer of communications having taken place – whichever comes first. Outreach to Person B could take the form of the email template below.

*Dear **,*

I hope this email finds you well.

*I am emailing in my capacity as Responsible Officer in the completion of an Assessment of Potential Risk for a disclosed personal and professional relationship. According to the University of Leicester's Personal Relationships Policy (*link*), an Assessment of Potential Risk must be completed after the disclosure of any personal and professional potential conflict in relation to at least one member of staff at the University.*

*I am emailing you as the named individual in one of these recently completed assessments, with "Person A" (as defined in the policy) being (*name*). Please note, the exact nature of your personal relationship has not been disclosed or recorded as this is not necessary information in the Assessment of Potential Risk. According to the Personal Relationships Policy, "personal relationships" could be categorised as being romantic, sexual, or generally in relation to exchanges of goods or services in a personal, non-professional capacity. Regardless of the nature of the personal relationship, conflicts of interest may be introduced to the professional context due to power differentials between staff and students, and between members of staff of different grades and responsibilities. This is the rationale for the completion of the Assessment of Potential Risk, and the associated, recommended modifications.*

*As the named individual in the personal and professional relationship disclosed by (*name*), we ask that you confirm that there is in fact a personal affiliation between you both. Again, details of such do not have to be, and should not be, disclosed. Please confirm this in the form of a reply to this email. If, in your understanding, there is no personal relationship between yourself and (*name*), please also confirm this in reply to this email. Please respond as appropriate within the next 5 working days, by (*date*). If we have had no response by this date, we will email again, and make Person A aware that their Assessment is still outstanding, and will be until we can confirm the personal relationship status.*

If you have any questions about the Personal Relationships Policy, the Assessment of Potential Risk, or any other related process, please let me know. If you would like to see the completed Assessment of Risk, please confirm this in your reply. If you would like to seek support, or *discuss this in a supportive context, please contact Student Support Services. If you would like any assistance in accessing this support, please just let me know.*

Best wishes…