

OUR PEOPLE PRACTICES/ PERSONAL RELATIONSHIPS

Policy & procedure

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1. Introduction

- 1.1 The University of Kent recognises the importance of creating an environment that is underpinned by inclusivity, respect, and where staff and students alike can feel safe from bullying, harassment, bias, and other inappropriate behaviour.
- 1.2 The University also recognises the importance of preserving the integrity of professional relationships and the benefits that these professional relationships can bring, promoting valued working practices and positive academic and working relationships.
- 1.3 The University regards effective teamwork and collaboration as a key part of its working ethos. Effective teamwork and relationships require an environment of trust and confidence that decisions relating to team members are made on an objective basis and that there is no perception of, or actual, favouritism, or bias towards or against particular team members. Those with responsibility for staff must always be conscious of the need to preserve the trust of those who work for them and take all

reasonable steps to avoid suspicions or perceptions of bias, recognising the damage that this can do to team relationships.

- 1.4 It is recognised, however, that there will be circumstances where professional relationships may also include a close personal relationship or may develop into such a relationship even where both parties have behaved professionally and responsibly. In those circumstances, staff members will normally withdraw from decision making or certain roles, in order to protect themselves and the University from any potential criticism relating to the perception of bias and/or misuse of position.
- 1.5 Relationships between staff and students (formed during students' programmes of study) are strictly prohibited. This reflects the understanding that the relationship between students and staff members is not one of equal power. As a result, staff members must be careful to avoid any suggestion of misuse of position or predatory behaviour. Accordingly, steps should be taken to avoid the creation of environments in which intense emotions can develop (e.g., working closely outside of the professional campus environment, sharing of intimate personal details and experiences, sharing personal email addresses or personal phone numbers, social media accounts and similar, seeing students in offices outside of normal working hours etc).
- 1.6 It is the University's intention to support fair and ethical treatment of all staff and students through this policy and procedure as a part of its commitment to valuing its staff and promoting equality, diversity and inclusivity for all.

2. Definitions

- 2.1 A Personal Relationship is defined as a:
- Family relationship
 - Close personal friendship¹
 - Romantic/sexual/intimate relationship (however brief, in-person or via social media/messaging services)
 - Business/financial/commercial relationship²
 - Marriage or Civil Partnership
- A personal relationship is understood to be in place, whether it:
- Existed prior to both parties being *in situ* at the University
 - Was formed during the course of study and/or employment/work assignment at the University
 - Was a previous relationship, whether brief or long-standing
- This list is indicative and not exhaustive.
- 2.2 A professional responsibility can be defined as:
- Teaching
 - Assessing
 - Line management/supervising (direct or indirect)
 - Pastoral care
 - Recruitment and selection

¹ Taking on line management, recruitment etc. could give the perception of advantage. Staff with friendships should declare an interest at the outset of the e.g., recruitment process, line manager role.

² Declaration of Interests Policy - <https://www.kent.ac.uk/governance/downloads/policies-procedures/Policy%20on%20Declaration%20of%20Interest%202023-24%20-%20Staff.pdf>

- Appraisal
- Salary setting, regrade, additional award approval

This list is indicative and not exhaustive.

2.3 Unequal (where an imbalance of power may exist) professional relationships can be defined as existing between:

- An academic staff member and a student
- A Graduate Teaching Assistant and student
- Mentor and mentee
- Principal researcher and post-doctoral research assistant
- Line manager/ supervisor and member of staff
- Manager/ senior manager and member of staff within the same School/Department.

(This list is indicative and not exhaustive)

2.4 Where a student is also an employee, and a personal relationship is formed with another staff member (or, depending on the nature of employment, another student as defined by this policy), the issue of imbalance of power will still be relevant to any consideration of the appropriateness of the relationship and the way in which it came about.

2.5 Where staff members are also enrolled as students at the University, they are defined for the purposes of this policy, by their status as a staff member.

3. Scope

3.1 This policy applies to all staff working at the University including employees, contractors and agency personnel as well as lay members of University committees. This includes students who are also employees. All further references to 'staff and students' also encompass lay members of University committees.

4. Responsibilities

4.1 Managers are responsible for:

- 4.1.1. Recognising where personal relationships may have a detrimental impact on the work of their teams, and enacting the terms of this policy consistently.
- 4.1.2 Seeking guidance from or declaring/reporting personal relationships which fall within the terms of this policy to their line manager³ and HR in a timely manner.

4.2 Staff are responsible for:

- 4.2.1 Conducting themselves responsibly and in a way which maintains professional relationships at the University as their primary focus.
- 4.2.2 Taking steps to avoid the creation of situations which may lead to the development of intense personal feelings on the part of either party, where these can be avoided. This includes working relationships between managers and their staff, and students and their lecturers, supervisors etc.

³ Or more senior manager where the relationship is with their line manager.

- 4.2.3 Declaring any personal relationships which fall within the terms of this policy in a timely manner (without unreasonable delay).
- 4.2.4 Declaring when their pre-declared personal relationship gives rise to the possibility of additional conflict of interest, ensuring appropriate action can be taken to avoid such conflict or any detrimental impacts arising.
- 4.2.5 Seeking guidance from the People Services Advisor Team (HR) as necessary, in clarifying or applying the terms of this policy.
- 4.2.6 Making a separate declaration under the Declaration/Register of Interests, as appropriate.

5. Principles

- 5.1 The University has a statutory obligation to protect the health, safety and welfare of anyone associated with the University in an employment and/or learning capacity. It must therefore be acknowledged that situations arise where personal relationships can conflict with professional relationships, causing ethical, role or conduct issues both perceived and real. It is therefore necessary for all relationships to be governed by five key principles:
 - 5.1.1 Staff must avoid the formation of a close personal relationship with a student, and/or anyone with whom they exert any power or influence over (either directly or indirectly)
 - 5.1.2 There will be no abuse of power within a professional relationship
 - 5.1.3 All teaching of students and management of staff must be unbiased, both in real and perceived terms.
 - 5.1.4 There will be no attempt to form a relationship with the intention to suggest or promise preferential treatment, or to suggest or make threat of detrimental treatment.
 - 5.1.5 Pre-existing relationships will not be used to secure employment, promotion or gain any other type of employment or academic advantage, or preferential treatment.

6. Procedure

- 6.1 Under the Sexual Offences Act 2003, section 16: Abuse of position of trust, it is an offence for anyone over the age of 18 engaged in a position of trust e.g. lecturer, mentor, supervisor to have a sexual relationship with a young person under the age of 18. The University deems any sexual contact by a member of staff with a student under the age of 18 as gross misconduct, subject to disciplinary action according to the procedure set out in Ordinance 39: Conduct. Whilst at present there is currently no adult protection legislation in the UK, it is the University's view that colleagues must not be in, or enter into a close personal or intimate relationship with an adult student or colleague either known or suspected to be 'at risk' or 'vulnerable'. With due regard to given to;
 - The Mental Capacity Act 2005 which protects against abuse in service settings.
 - The Protection of Vulnerable Adults scheme, which was introduced by the Care Standards Act 2000.
 - The Sexual Offences Act 2003, which makes it an offence for those engaged in providing care, assistance or services to someone with a learning disability or mental disorder to engage in sexual activity with that person whether or not that person has the capacity to consent.
 - The Office for Students statement of expectations for preventing and addressing

harassment and sexual misconduct affecting students in higher education.

6.2 Relationships between staff and students

- 6.2.1 In accordance with Article 8 of the European Convention on Human Rights, the University respects the right of staff to have a private and family life. It is not the University's intention to infringe on the personal freedoms, or to intrude on the privacy of students or members of staff. However, staff members entering into personal relationships with students carry inherent risks associated with the unequal power balance, which may have the effect of disrupting the teaching and learning environment, and impact on other students and colleagues. It also involves risks to the members of staff and students involved. It is, therefore, the University's obligation to balance the right to a private life with its responsibility to safeguard the welfare of both staff and students.
- 6.2.2 Consequently, staff must not enter into a close personal relationship falling into any category set out in 2.1 with a student initiated in the course of the student's programme of study.
- 6.2.3 Staff who have a pre-existing close, personal, intimate, sexual, or business relationship with a student (or have inadvertently developed a relationship with a student through no connection to the workplace) must:
- Declare the relationship at the earliest opportunity⁴ to their Line Manager, Head of School or Director of Department (or their nominee), and make a written declaration using the [dedicated form](#).
 - Cooperate with their Line Manager, Head of School or Director of Department (or their nominee) in organising appropriate alternative arrangements, with the intent of ensuring no future professional responsibility.
- 6.2.4 To maintain professional boundaries, staff must utilise University provided equipment and systems to digitally communicate, limiting interactions via personal devices and accounts to exceptional circumstances only. All communication should be carried appropriately and in accordance with the Sexual Misconduct Policy and Social Media guidelines.
- 6.2.5 If a conflict of interest should become apparent or arise after a personal relationship has begun, this must be reported (same mechanism as 6.2.3)
- 6.2.6 Members of staff must not enter into a business, commercial or financial relationship with students which could compromise, or could be perceived to compromise, the objectivity and reputational standard of the teaching relationship.
- 6.2.7 The University endorses the notion that it is essential for staff to recognise their professional and ethical responsibility to protect the interests of students, to respect their position of trust in the staff/ student relationship and accept the constraints and obligations inherent in this responsibility. This should include recognising and giving due consideration to the variety of cultures, perceptions of approach, mannerisms and behaviour which differ greatly between individuals.

⁴ Ideally, this would be as soon as a relationship is formed (e.g. same week) but at the very least there should be no unreasonable delay to a disclosure being made.

- 6.2.8 Members of staff should also consider the impact of their actions (perceived or actual) on other staff and students.

6.3 Relationships between staff members

- 6.3.1 Where a personal relationship between staff includes a managerial relationship and/or a professional responsibility, and real or perceived conflict of interest, trust or breach of confidentiality is judged as likely to arise. Professional responsibilities are set out in section 4 of this policy.
- 6.3.2 A perceived conflict of interest, trust or breach of confidentiality could also arise where a managerial relationship does not exist, for example, where a staff member provides support to or has oversight for an area in which the staff member with whom they have a relationship is employed.
- 6.3.3 Any process which causes a directly hierarchical relationship between members of staff involved in a personal relationship should be avoided. Where such a reporting structure is unavoidable or exists already, alternative options to achieve a hierarchical separation must be explored and put in place or other effective mitigating action taken.
- 6.3.4 Mitigating action may include changing reporting relationships or, depending on the potential for a perception of inappropriate conduct to arise, enacting a transfer for one or both parties to different roles. In these cases, the University will use its best endeavours to strike a balance that ensures that individual careers and status are not negatively impacted by any change while ensuring that operational integrity, wider staff confidence and the reputation of the institution is safeguarded.
- 6.3.5 Where no hierarchical structure exists and a professional responsibility or unequal professional relationship arises, or is anticipated to arise, the relationship must be declared before any process commences. Mitigating action by the appropriate Head of School/Department/Line Manager will be taken to ensure no direct involvement.

6.4 Pre-existing relationships

- 6.4.1 Relationships which began prior to one or both individuals becoming employed or commencing study at the University, and which fall into one of the categories in section 6.2 or 6.3, must be declared. (see section 6.5).
- 6.4.2 Appropriate steps will be taken to ensure the staff member with whom the relationship is with does not hold or maintain a position of responsibility in relation to the staff member or student joining the University.

6.5 Declaration and Reporting of Personal Relationships (procedure)

- 6.5.1 Members of staff who enter into a relationship, or who have a prior relationship with another staff member, where they hold a position of responsibility in relation to the other (during the course of their employment), must report this to their Line Manager, Head of School or Director of Department (as appropriate) at the earliest opportunity, and make a written declaration using the dedicated [form](#).
- 6.5.2 Members of staff must report if they have a pre-existing personal relationship with a student irrespective of whether they hold a position of responsibility/authority in relation to that student, by following the steps detailed in point 6.5.1.

- 6.5.3 A record of the declaration will be held on file, confidentially.
- 6.5.4 The line manager, when in receipt of this information, will make alternative arrangements for the management, teaching or other responsibility of the staff members or student with whom they have formed a personal relationship.
- 6.5.5 In the case of a relationship that has been reported between a member of staff and a student the line manager will make sensitive enquiries of both parties relating to the way in which the relationship came about in order to be satisfied that no pressure or abuse of position or trust has taken place, and that the relationship does not contravene this policy. HR advice can be sought on the best way to conduct these conversations which should not be overly intrusive and must avoid unnecessary personal questions. A note of the conversation should be made and placed on relevant personnel files.
- 6.5.6 Members of staff who are also acting as a member of a recruitment selection process, will need to advise the Chair of a recruitment panel if they have a personal relationship with any of the applicants for the role, which could give rise to a conflict of interest (actual or perceived), as set out in the Recruitment Policy.
- 6.5.7 Members of staff who become aware of what they believe to be an undeclared personal relationship should report this in confidence to a manager or People Services Adviser (HR).
- 6.5.8 Members of staff who are uncertain about whether they should declare a personal relationship are encouraged to seek guidance, in confidence from their manager, a People Services Adviser (HR) or their trade union or staff representative.
- 6.5.9 Staff will be reminded to declare their personal relationship on an annual basis via the Staff Communications update. However, staff should ensure they declare any existing or new personal relationships (contained within point 2.1) as soon as reasonably possible, as detailed within point 6.5.1.
- 6.5.9 If a report is made of a perceived or actual personal relationship between students and staff, in the first instance, , the staff members line manager will contact with the member of staff in question to: discuss the report; remind the member of staff of this policy and their responsibilities herein; explain the rationale behind the policy; and, either, refer the member of staff to the relevant reporting procedure under 6.5.1, or inform the member of staff that the relationship contravenes the policy and should be ended.
- 6.5.10 If a prohibited relationship continues after a meeting held under 6.5.8, this will constitute misconduct and will invite disciplinary action (under the Conduct Ordinance).
- 6.5.11 When a member of staff is required to report a relationship and has failed to do so, the line manager will initiate contact with the member of staff, explaining the member of staff's responsibility to do so.
- 6.5.12 If a reportable relationship continues to be unreported after a meeting held under 6.5.10, this may constitute misconduct.
- 6.5.13 If the nature of the report, or reports of behaviour on the ending of a relationship, indicates any bullying, harassment, victimisation, abuse, or coercion, or other similar behaviours, on the part of either party, this will be dealt with in line with the Dignity at Work and Sexual Violence & Misconduct policies.

- 6.5.14 In the event that alternative arrangements cannot be accommodated within a team, School or Department, then the redeployment of one party to another area of the University may be necessary.
- 6.5.15 Following a declaration of a personal relationship, it will be assumed that the relationship will remain current unless otherwise indicated.
- 6.5.16 The Employee Relations team will maintain a record of declarations and the People Services Advisers will support managers and staff with answering questions related to this policy. The applicable School/Departmental HR People Partner will work with School/Department management to establish potential mitigation options (where required).

6.6 Harassment and Bullying at Work

- 6.6.1 Staff or students seeking guidance, advice or support where inappropriate behaviour, harassment or bullying is believed to exist can access this via the Dignity at Work Policy and the Grievance Ordinance and procedure. Where an individual believes another student or staff member has been affected, they should raise it with the Head of School/Department or Director of Student Services as appropriate. Where staff or students wish to raise issues anonymously, this can be done via the Report and Support website.
- 6.6.2 Support for staff or students can also be gained via the Harassment Contact Network, People Services (HR) , their trade union or staff representative, Counselling Service or Occupational Health.
- 6.6.3 Where a member of staff wishes to raise a complaint relating to Dignity at Work, they should refer to Dignity at Work - Staff guide to the informal procedure, Grievance Ordinance and/ or gain advice from a People Services Adviser Where the matter highlights an ongoing concern or risk to others, the matter should be reported to their line manager or a People Services Adviser at the earliest opportunity.
- 6.6.4 Staff and students must be aware that where behaviour is not reciprocated this may be an indication that the behaviour is not acceptable or unwanted and could amount to bullying and/ or harassment, which may result in action being taken under the University's Ordinance 39: Conduct. Managers should be mindful of relationships that appear to be consensual but are based on grooming and/or power imbalance.

7. Review

- 7.1 This policy may be reviewed in the light of operational experience, sector developments and changing organisational needs.
- 7.2 As and when a full review is undertaken, trade union and representative partners will be consulted in line with the Terms of Reference for Staff Policy Committee (SPC), Joint Staff Negotiating and Consultation Committee (JSNCC) and any other bodies, as required.

8. Associated practices

- 8.1 This policy complies with relevant UK employment legislation.
- 8.2 In addition, other relevant University of Kent People Practices include:

- Dignity at Work Policy
- Sexual Violence & Misconduct Policy
- Ordinance 39: Conduct
- Ordinance 42: Grievance
- Declaration/Register of Interests (University of Kent Governance)
- Recruitment Policy
- Safeguarding Policy for Students