

Staff and Students Relationships

Policy and Procedure

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Linked policies and documents	Anti-Bribery Policy Whistleblowing Policy Non-Academic Disciplinary Policy Student Handbook Equality and Diversity Policy Anti-Bullying and Anti-Harassment Policy Staff Handbook Risk Register
External reference points	<i>Under the Sexual Offences Act 2003, any sexual relationship between someone who is in a position of trust, such as a teacher and a person to whom that trust extends, is criminal</i>
Audience:	OBC Staff, Students and Website (General Public)

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1 Introduction

A personal relationship of a sexual or other intimate nature between staff and between staff and students may lead to an actual or apparent conflict of interest. In addition, such relationships may create a risk of favouritism, nepotism, corruption or misuse of authority which may also undermine the relationship of trust, respect and confidence essential to interactions between staff and between staff and students.

Such relationships between individuals in positions of power or trust or where a direct line report or student is involved, this can lead to a situation where an individual is expected to discharge their duties, teaching or supervisory responsibility for the other, could result in the potential for conflict-of-interest exploitation, favouritism or bias which may adversely affect the working and learning environment.

2 Purpose

The purpose of this policy is to set out the expectations and responsibilities of all staff and students in respect of personal relationships between them and to promote a safe and positive working environment.

This policy seeks to protect students and staff from allegations of actual or perceived conflicts of interest, and to limit circumstances where a position of power may be abused. In doing so it seeks to ensure a positive and supportive working environment where all are treated fairly.

3 Scope

The scope of the Staff Relationship Policy is designed to promote a professional and ethical working environment within the organisation by prohibiting staff members from forming relationships that may present potential conflicts of interest. This policy applies to all staff members, including full-time, part-time, temporary, and contract employees, as well as interns and volunteers.

The policy specifically addresses relationships between staff members and adult students where a potential conflict of interest may arise, such as:

- Relationships between staff members and students they teach or for whom they hold academic decision-making authority, which may lead to perceived or actual favouritism, bias, or unfair treatment.

- Relationships between staff members and students who are involved in decision-making processes that could impact the staff member's employment, promotion, or compensation.
- Relationships between staff members and students working in departments where sensitive or confidential information is handled, potentially leading to breaches of confidentiality or unauthorised access to information.
- Relationships between staff members and students who have the authority to influence or make decisions on behalf of the organization, such as procurement or contract negotiations, which may be compromised by the personal relationship.
- Relationships between supervisors and their direct or indirect subordinates, which may lead to perceived or actual favouritism, bias, or unfair treatment.

Where a close personal or intimate relationship exists between a staff member and student with no direct professional relationship, or between members of staff where the relationship may give rise to real or perceived conflict of interest, breach of trust or confidentiality, there must be a clear declaration of the relationship, see the declaration form in Appendix 1

4 Aims and Objectives

The policy aims to protect staff and students from allegations of actual or perceived conflicts of interest. The main objectives of the policy are to:

- Set out the expectations and obligations of OBC employees and workers with respect to personal relationships between students and staff and between colleagues, regardless of sexual orientation and identity
- Ensure a conducive (positive and supportive) working environment where everyone is treated fairly and with respect
- Ensure compliance with the highest standards of integrity and to ensure that appropriate safeguards and processes are in place to prevent abuses of power and sexual misconduct.

5 Definitions

Personal Relationships: A personal relationship infringes professional boundaries and may lead to real or perceived conflicts of interest or misuse of power and authority at work. Examples of personal relationships include:

- a family relationship
- a business/commercial/financial relationship

- a romantic/intimate/sexual relationship (including a brief or and one-off occurrence)
- a close personal/social friendship existing outside of the workplace

‘Personal relationship’ refers to any connection, however brief, of a sexual or other intimate nature, either in-person or remote (for example, via phone, text, email, social media or video conferencing).

Conflict of Interest: when there is a real or perceived conflict between acting in the best interests of the College and other formal and/or informal commitments, obligations, or promises to another body/association/affiliation in connection with the same or related subjects, a conflict of interest occurs.

Abuse of authority is when someone uses their position of authority or power unacceptably. Abuse of authority can take several forms and may include, but is not limited to, grooming, manipulation, coercion, and pressure on others to engage in conduct they do not feel comfortable with.

Staff member refers to any individual engaged by the College to carry out specific duties, an employee, whether full-time, part time or any other permanent or temporary worker who holds a College post.

Student includes any individual enrolled on a OBC course of study whether full- time or part-time.

Adult at risk

An adult at risk is someone over the age of 18 who receives or may need community care services by reason of disability or illness and as a result of those needs is unable to protect himself or herself against significant harm or exploitation. This can relate to physical, mental or psychological wellbeing or the potential to be drawn into sexual or criminal exploitation and activity.

Consent to an intimate relationship

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed, and they should also recognise that consent can be withdrawn at any time.

Freedom to consent: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person is not free to choose if:

- They are being threatened with violence (by the perpetrator and/or by someone else)
- They are being threatened with humiliation
- They believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk, if they refuse

- They are being blackmailed
- There is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will

Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if they are asleep or unconscious. A person's capacity to consent may be inhibited by the influence of drugs or alcohol or the presence of a cognitive or learning difficulty, or mental health condition.

Grooming: Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things, they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Intimate relationships: An intimate relationship is a consensual romantic or sexual relationship which goes beyond the bounds of a platonic or working relationship. An intimate relationship could be brief and includes a one-off occurrence.

Position of trust: Any staff member working closely with children, young people or adults at risk, is in a position of trust.

6 Staff relationships with students or other staff members who are an "adult at risk"

Members of staff must not be in, or enter into, a close personal or intimate relationship with an adult known or suspected to be at risk, for whom they have any responsibility for, or involvement in, that person's academic studies and/or personal welfare. Staff must not engage in sexual behaviour with someone with whom they are in a position of trust.

7 Relationships between staff and students

OBC prohibits close personal and intimate relationships between staff and students where the staff member has a direct responsibility for, or involvement in that student's academic studies and/or personal welfare.

Direct responsibility includes direct management, direct supervision, assessing students' work, teaching, welfare or pastoral roles.

In order to maintain appropriate relationships with students, and to help reduce the risk of sexual misconduct, abuse of power or conflict of interest, staff should:

- Maintain an appropriate physical and emotional distance from students and perform their duties in the best interests of the College without favour towards any individual student over another student
- Avoid creating special friendships with students as this may be seen as grooming
- Use a college email account, college telephone, college software and applications and internet access for communications with students where possible, avoiding personal messaging such as text messages, Messenger, Twitter etc.

Where staff have a primary role of providing supervision, teaching, or pastoral care to students (including personal tutors), staff should:

- Where possible, ensure that meetings and discussions occur on campus or other College-approved premises. Where not possible, ensure the meeting occurs in a public venue, such as a library or a café.
- Refrain from contacting students outside of reasonable working hours

7.1 Unacceptable behaviour towards students

Please note that the examples below are not exhaustive:

- Physical touching, that could be construed as sexualised (e.g. touches of the shoulder or squeezes of the leg), or comments or questions of a sexual nature (whether verbally or electronically)
- Paying undue special attention to a particular student which may be seen as grooming
- Accepting gifts from a student unless it is following final assessment completion and deemed to be a minor token of thanks in accordance with OBC's Anti-Bribery policy.
- Inviting an individual student to your private home or room without others present, or visiting their home or room, including while at conferences, overseas trips, or on placement
- Asking a student to care for your child, or to house-sit whilst on holidays, or perform any other personal services or work-related duties when not formally employed or engaged by OBC to do so

8 Relationships between members of staff

Relationships between members of staff are not prohibited. However, in order to prevent potential abuse of power or perceived or real conflict of interest, staff must declare close personal or intimate relationships in either of the following situations:

- Where a relationship begins that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias
- Where a relationship already exists, and a new situation arises that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias. For example, two staff members in a relationship who work in different departments who now work in the same department
- Where staff are in an intimate or close personal relationship, consideration will be given on how to prevent conflict of interest, breach of confidentiality or unfair advantage gained (or perceived to be gained) from the overlap of a personal and professional relationship. This may include finding alternative line management arrangements.

In order to maintain appropriate relationships with colleagues/peers, and help reduce the risk of abuse of power or conflict of interest, staff should:

- Maintain an appropriate physical and emotional distance from other staff while working
- Perform their College duties in the best interests of the College without favour towards any individual staff member over another
- Avoid paying undue special attention to a particular member of staff which may be seen as grooming
- Where possible staff should use their College email account, telephone and internet access (including Microsoft Teams) for work-related communications with staff and maintain professional communications
- Be aware that any email sent to a staff member about a colleague may be disclosed to them or their advocate under the general data protection regulations. All emails and work-related instant messages should be written in a professional manner
- Establish boundaries between professional and non-professional communication with colleagues
- Adhere to the same guidelines, where logistically possible, when you and another staff member are participating in conferences and other college activities away from your usual workplace
- Where possible, ensure that meetings and discussions about College matters occur on campus or other appropriate premises

- Refer colleagues with support needs to a relevant college support service, such as the College Counsellor and be mindful to limit your role in providing personal support to a staff member where this is not part of your employment duties.

9 Breach of policy

- An intimate relationship between a staff member and student for whom there is no need for direct supervision is a breach of this policy and will be investigated under disciplinary procedures.
- Failure to disclose a close personal or intimate relationship with a student, or with a colleague where there is a real or perceived conflict of interest, breach of trust or confidentiality, may be investigated under disciplinary procedures.

10 Policy Review

The College is committed to reviewing the policy on an ongoing basis, and the Senior Management Team (SMT) will review the effectiveness of the policy. The application of the policy will be subject to regular review through the College's Risk Register.

11 Procedures

Staff have an obligation to declare an intimate or close personal relationship with any other student, for whom they do not have direct supervision, (whether new or existing), to enable OBC to assess whether any potential or actual conflict of interest exists. Please refer to the declaration form in Appendix 1.

Anyone suspecting a member of staff of acting inappropriately towards a student or staff member at risk should contact the Designated Safeguarding Officer, who may contact the local authority designated officer and/or the police.

Where an intimate relationship ends it is expected that all parties will continue to conduct themselves in a professional manner in the College and avoid personal disputes which impact on the working environment or other colleagues and students. It may also be appropriate for some requirements, put in place by the College during the relationship, to continue for a period of time following the end of the relationship. The staff members involved will be consulted and required to comply with reasonable expectations.

11.1 Declaration of intimate or close personal relationships

All declarations are to be made immediately. As the declaration contains sensitive personal data it will be stored securely and managed in compliance with data protection legislation. Such declarations will be treated respectfully, sensitively and confidentially, and the wishes of both parties respected as far as is possible. This includes same-sex relationships where the parties may not be “out” publicly.

Staff who are unsure whether they have a close personal or intimate relationship with a student or staff member, should seek advice from their line manager or the HR Manager.

Students who are unsure whether they have a close personal or intimate relationship with a staff member should seek advice from their Personal Tutor, Campus Principal, or Student Support and Welfare Officer.

Staff and students in relevant relationships must complete the Declaration Form in Appendix 1. This form should be completed even if the relationship was previously declared on a job or course application form.

Step 1:

Staff should submit the form to their line manager and HR Manager who may need to discuss the details with them. Students should submit the form to their Campus Principal who may need to discuss the details with the student or with a staff member's line manager or Head of Programme (where the relationship is between a student and staff member).

Step 2:

The line manager, HR Manager or a designated person will review the form and where appropriate and necessary, will consult the parties on what actions, if any, are required to remove any potential conflict. The actions will be documented on the form and copies provided to the relevant parties. The line manager, HR Manager or a designated person will store the form securely on the member(s) of staff's central HR file in Bright HR.

Step 3:

Any unresolved matter may be referred to the Executive Principal or other senior person depending on the circumstances.

In placing measures to manage any conflict of interest, the Executive Principal/Director may consider the following:

- Any known vulnerability of the student or staff member
- The student's or colleague's personal circumstances at the time
- Whether there is a supervision or teaching arrangement in place at the time
- The circumstances of the student when the close personal relationship commenced or was initiated (for example, if the personal relationship existed prior to the staff/student relationship)
- Any special family, kinship and elder relationships
- The nature of the two individuals' contact in study, research or employment
- The potential for the staff member to influence the academic progress and outcomes or career progression of the student or colleague
- The extent of the power imbalance between the two individuals

Both the staff member and student or colleague will be notified of the conflict of interest management measures put in place

Appendix 1 Staff Student Relationships Declaration Form

SECTION A: TO BE COMPLETED BY STAFF / STUDENT

This form should be completed in accordance with the Staff and Students Relationships Policy.

Students: Please complete this form and send it securely to your Campus Principal. The relevant member of staff will also need to complete their own form.

Staff: Please complete this form and send it securely to your line manager and to the Head of HR. Both parties must complete their own form.

Your Details:	
Name:	
Are you a student or member of staff?	
Line Manager / Personal Tutor's Name:	
Position, Faculty/Dept (if staff)	
Programme of study (If Student):	
Other party's details:	
Name	
Are they a student or a member of staff?	
Position, Faculty/ Dept (if staff)	
Nature of Relationship: <i>(Please state whether the relationship is of a close personal nature (for example a close friend or relative, or an intimate/ romantic relationship).</i>	
Relationship of close personal nature (if relevant) for example cousin, mother, friend etc.	
When did the intimate/romantic relationship start (if relevant) (approximate month/year)?	

I understand the following:

1. It may be necessary for permanent or temporary adjustments to be made to any supervisory arrangements or other conditions, to remove any real or perceived conflict of interest arising from the relationship.
2. This information will be stored securely and managed in compliance with data protection legislation.
3. I have read and understood the **Staff and Students' Relationships Policy**

Signed (electronic signature):

Print Name:

Date:

Staff to submit to the HR Manager who will discuss the form with your line manager and with you if necessary.

Students to submit to your Campus Principal who will discuss the form with the employee's line manager and HR manager, and with you if necessary.

SECTION B: TO BE COMPLETED BY HR MANAGER IN CONJUNCTION WITH LINE MANAGER AND EMPLOYEE FOR STAFF DECLARATIONS.

TO BE COMPLETED BY THE CAMPUS PRINCIPAL IN CONJUNCTION WITH LINE MANAGER AND HR MANAGER OF EMPLOYEE FOR STUDENT DECLARATIONS.

Has this relationship been declared within one month	Y/N
If no, why not?	
Is an action or a conflict-of-interest management plan required?	Y/N

Reasons for recommended plan	
Details of action / plan	
<p>Electronic Signature:</p> <p>Print Name:</p> <p>Job title:</p> <p>Date:</p> <p>HR Manager to upload this form securely to the employee's personal file.</p> <p>Campus Principal to store this form securely.</p>	