

HOME-START BRACKNELL FOREST

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Data Protection, Record Keeping, Retention, Security & Safe Storage of Records Policy and Procedures

Policy Statement

Home-Start is committed to the protection of the rights and freedoms of individuals in accordance with the provisions of the Data Protection Act 1998 (the Act). We will comply fully with the requirements of the Act and will follow procedures which aim to ensure that all persons who have access to any personal data held by or on behalf of Home-Start are fully aware and abide by their duties and responsibilities under the Act. We will ensure that all personal information is handled and dealt with properly however it is collected, retained or used; on paper, in computer records or recorded by any other means. Accurate, proportionate records are kept to ensure a good framework of support and supervision for volunteers and employees, and to comply with employment, charity and company legal requirements.

In order to operate efficiently, Home-Start collects and uses information about its staff and about people with whom it works. These may include current, past and prospective employees, volunteers, trustees and donors. Families, volunteers and employees are made aware that the scheme retains a record of Home-Start's contact or work with them, and that they can request access to records held about them.

In accordance with the principles of the Act Home-Start ensure the Information Commissioner's Office (ICO) is notified of the scheme's data processing activities.

All staff and volunteers having access to personal data will be required to adhere fully to the Act in carrying out their Home-Start roles.

Procedure

The Act relates to the processing of personal data and sensitive personal data which must be processed in accordance with the eight data protection principles.

Processing is a wide ranging activity that includes obtaining, recording, holding or storing personal data and carrying out any operations on it such as adaptation, alteration, use, disclosure, transfer, erasure and destruction.

Personal data is data that relates to a living individual who can be identified from that data or from other information which is in the possession of, or is likely to come in the possession of, the organisation and includes any expression of opinion about an individual. It includes information relating to an individual's name, date of birth, address and photographs.

Sensitive personal data is defined as personal data consisting of information as to racial or ethnic origin, political opinion, religious or other beliefs, trade union membership, physical or mental health condition, sexual life and criminal proceedings or convictions. Sensitive personal

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data has even more rigorous conditions for processing and normally in order to process the information it will be necessary to have the explicit consent of the individual.

Data Protection Principles

The Act stipulates that anyone processing personal data must comply with eight principles of good practice. These principles are legally enforceable.

The principles require that personal information must be:-

- Fairly and lawfully processed.
- Obtained for specified purposes and not processed in a manner incompatible with those purposes.
- Adequate, relevant and not excessive for the purposes for which it is processed.
- Accurate and kept up to date.
- Not kept for longer than necessary for the purposes.
- Secure.
- Not transferred to countries without adequate protection.
- Processed in accordance with the data subject's rights.

In line with The Act Home-Start will:

- Appoint a data protection officer as the designated person with special responsibility for data protection in Home-Start.
- Ensure that personal and sensitive information is processed lawfully and fairly and will through appropriate management and systems.
- Observe fully the conditions regarding the fair collection and use of information.
- Meet its legal obligations to specify the purpose for which the information is used.
- Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with legal requirements.
- Ensure the quality of information used.
- Ensure the information is held for no longer than is necessary.
- Ensure that the rights of people about whom information is held can be fully exercised under the Act. These include the right to be informed that processes are being undertaken, the right to access one's personal information, the right to prevent processing in certain circumstances and to correct, rectify, block or erase information that is regarded as wrong information.
- Ensure that everyone managing and handling personal information understands that they are responsible for following good data protection practice and is appropriately trained to do so.
- Ensure that personal information collected or used is secure.

The Responsibilities of Employees

All employees are required to:-

- Familiarise themselves with the provisions of the Act and ensure that they understand their responsibilities under the Act in relation to personal information they may process in their role.
- Ensure that they seek guidance from their manager if he or she is unclear as to the application of the Act.
- Access up to date training in relation to data protection as relevant to the employee's position.
- Ensure that any information they provide in connection with their employment is accurate and up to date.
- Inform Home-Start of any changes to information that they have provided, e.g., changes of address, either at the time of appointment or subsequently.
- Ensure that personal data collected or used is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:-
 - Paper files and other records or files containing personal or sensitive data are kept securely.

- Personal data held on computers or computer systems is protected by the use of secure passwords which should be such that they are not easily compromised.
- Personal information is not disclosed either orally or in writing or via web pages or by any other means accidentally or otherwise to an unauthorised third party.

If an employee discloses personal data in breach of the principles set out in the Act, he/she may be committing a criminal offence and he/she may be subject to disciplinary action.

Data in Transit

There may be occasions when it is necessary for sensitive and personal data to be taken outside of the office e.g. if a member of staff is asked to attend a case conference. This includes data in all formats including but not limited to paper or electronic storage (PCs tablets, laptops and removable storage media i.e. USB memory sticks, PDAs or any form of networking equipment). All employees are personally responsible for taking reasonable and appropriate precautions to ensure that all sensitive and confidential data taken outside of the office is secure.

It is not possible to be prescriptive in this policy and procedure as to the action which should be taken to ensure security as there may be a number of different situations where data may be taken out of the office. It will be necessary for each individual taking data out of the office to assess the security measures needed for every situation and make considered judgements in terms of how they handle data whilst delivering their service and if in any doubt seek support from their line manager. Employees must be familiar with and adhere to the Home-Start guidance on common sense precautions to be taken as a minimum requirement.

Any data loss must be reported immediately to the employee's line manager who will assess the situation and impact and agree the necessary action with the Data Protection Officer.

Contractors

All contractors who are users of personal information supplied by Home-Start will be required to confirm in writing that they will abide by the requirements of the Data Protection Act with regard to all Home-Start information provided and/or accessed via but not limited to paper or electronic storage. Contractors will be required to ensure that they and all of their staff who have access to personal data held or processed for, or on behalf of, Home-Start are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act.

Subject Access

Home-Start recognises that under the Act any person whose personal data is held by Home-Start has a right to request access to their personal data. Such a request is known as a "Subject Access Request."

An **employee** may request details of personal information which Home-Start holds about him or her. If an employee would like a copy of any of the information held on him or her they should notify their line manager. If an employee believes that any information held on them is incorrect or incomplete then they should write to their line manager as soon as possible setting out the information which they believe needs correction.

A **person (other than an employee)** whose personal information Home-Start holds, or who believes Home-Start may hold, may make a Subject Access Request in writing, to the chair of the scheme, for a copy of the information held on him or her. Home-Start will respond to all requests for personal information within 40 days of the request.

Confidential References

Copies of confidential references about employees written by Home-Start will not be provided in response to Subject Access Requests, as provision of copies of such references are exempted under the Act.

Confidential references about employees received by Home-Start are not exempted. Home-Start will make reasonable attempts to gain consent from referees prior to release. If consent cannot or will not be given Home-Start will permit release if satisfied that to do so would not prejudice the interests of the referee.

Notification to the Information Commissioner

Home-Start will notify as appropriate the Information Commissioner of its processing of personal data and ensure the updating of the information if there has been a serious breach of Data Protection.

Record Keeping & Retention Procedure (See Appendix 1 for record retention periods)

- All records are held securely; **Family, Volunteer, Staff and Trustee records** are confidential, kept in accordance with Home-Start guidance and stored in a locked filing cabinet. It is explained at interview/induction that a record is maintained about them, that they have the right to request access to it, and that the file may be sampled by HSUK for the purposes of Quality Assurance
- **Electronic files** are **kept securely**, are password protected and regularly backed up
- Files are kept in accordance with Home-Start guidance, and are kept up to date by the organiser/co-ordinator and/or administrator. Access for this normal maintenance of the file and for supervision purposes is not recorded. A note of all other access for specific purposes is recorded on the log at the front of the file, including access by the family or Home-Start UK for quality assurance purposes

Right to work documentation

Home Office guidance "An employer's guide to acceptable right to work documents"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf has the following 3 steps:-

Step 1 - Obtain **original** versions of one or more acceptable documents

Step 2 - Check the document's validity **in the presence** of the holder

Step 3 - **Make and retain a clear copy of all documents checked** (hardcopy or scanned unaltered copy e.g. jpeg or pdf), and record the date the check was made. "The recommended wording for this is "The date on which this right to work check was made: (insert date & sign)"

A separate manual or record indicating the date copied documents were checked (and by whom) is also recommended (using the same wording) so that it is easily available if requested.

Family files

1. At the initial visit the organiser/co-ordinator will explain to the family that a record is maintained about them, the family's consent is sought and they are informed about their right to request access to the record held about them. This is recorded on the initial visit form.
2. During the period of Home-Start's support to a family, the organiser/co-ordinator will continue to talk to them about the records that are being made, including any record of concern or referral except where to do so would place a child at increased risk of significant harm or put an adult at increased risk of serious harm.
3. The scheme keeps proportionate, accurate records of all contact with the family, in accordance with Home-Start guidance. Contact with the referrer or other professional or agency in relation to the family is also recorded in the family file.
4. The home-visiting volunteer completes the volunteer diary (family contact sheet) after each visit to the family, and returns them at least monthly to the scheme; these are kept in the relevant section of the family file.

5. **When family support has ceased** the family file will be clearly marked with the expiry date and will be retained and destroyed in strict accordance with the Home-Start Record Retention Periods specified in appendix 1 of this policy, and will be shredded when the appropriate date is reached. *Where it is a requirement of, for example, a funder or Local Authority to retain files for a longer period this time frame may change.*

Volunteer/Trustee files

6. A written record of each supervision meeting with the volunteer is made, signed by the organiser/co-ordinator and the volunteer and stored in the appropriate section of the volunteer file.
7. When a volunteer leaves the scheme, the volunteer file will be retained and destroyed in strict accordance with the Home-Start Record Retention Periods specified in appendix 1 of this policy, and will be shredded when the appropriate date is reached.

Staff files

8. Selection and appointment information, absence, sickness and accident records will be retained in line with the Home-Start Record Retention Periods specified in appendix 1 of this policy, and will be shredded when the appropriate date is reached
9. A written record of each supervision and appraisal meeting with the member of staff is made and signed by the line manager and the member of staff. The member of staff retains one copy, the other is stored in the appropriate section of the personnel file
10. When the member of staff or trustee leaves the scheme, the personnel file will be retained and destroyed in strict accordance with the Home-Start Record Retention Periods specified in appendix 1 of this policy, and will be shredded when the appropriate date is reached.
11. Home-Start complies with the requirements of company law by retaining required records in strict accordance with the Home-Start Record Retention Periods specified in appendix 1 of this policy, and will be shredded when the appropriate date is reached.
12. Home-Start-complies with the Statement of Recommended Practice (SORP) in relation to its financial record keeping and reporting; and all financial records are retained in strict accordance with the Home-Start Record Retention Periods specified in appendix 1 of this policy.
13. Home-Start stores insurance policies and employer's liability insurance certificates securely and in strict accordance with the Home-Start Record Retention Periods specified in appendix 1 of this policy.
14. Home-Start stores documents relating to the ownership or leasehold of premises securely and in line with Home-Start Record Retention Periods specified in appendix 1 of this policy.

Safe storage and handling of disclosure information

General Principles

As an organisation undertaking DBS checks to help assess the suitability of applicants for positions of trust, Home-Start complies fully with legislative procedures and recommended codes of practice regarding the correct handling, use, storage, retention and disposal of

Disclosures and Disclosure Information. Home-Start also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information.

Usage

Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Storage, Access & Handling

DBS certificates

The scheme will ensure that original disclosure certificates or copies of such certificate are not kept longer than the 6 months period specified within the Home-Start Record Retention Periods specified in appendix 1 of this policy.

Where a copy of an original document is kept for the allowed 6 month period it should be kept separately and securely, in a lockable, non-portable storage cabinet with access strictly controlled and limited to those who are entitled to see it as part of their duties.

However, notwithstanding the above, schemes need to keep the following on the volunteer file:

- a record of the date of issue of a Disclosure
- the name of a subject
- the type of Disclosure requested
- the position/purpose for which the Disclosure was requested
- the unique reference number of the Disclosure
- details of disclosure information
- the details of the recruitment decision taken.

Every subject of a DBS check will be made aware of the existence of the relevant Code of Practice and a copy will be available on request.

Legislation requires that Disclosure Information should only be passed to those who are authorised to receive it in the course of their duties. The scheme recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it. A record will be maintained of all those to whom disclosures or Disclosure Information has been revealed.

Retention

Please refer to the "Record Retention Periods in Home-Start" below.

Disposal

After retention periods as detailed below (see record retention table) have lapsed disclosure information will be immediately and suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure Information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

Any matter revealed in a disclosure will be discussed with the person seeking the position before withdrawing a conditional offer of employment or deciding that a prospective volunteer (including trustees) is not suitable for volunteering for Home-Start. Having a criminal record will not necessarily bar an applicant from working with Home-Start. This will depend on the nature of the position and the circumstances of the offences disclosed. (See [Home-Start's policy on the recruitment of ex-offenders](#).)

APPENDIX 1

Record Retention Periods in Home-Start

Record Retention Periods in Home-Start	
<p>Employment In general the personnel file should be retained for 6 years, but need only contain sufficient information in order to provide a reference. Copies of any reference given should be retained for 6 years after the reference request. <i>Exception: if an allegation has been made about the member of staff or trustee the personnel record should be retained until they reach the normal retirement age or for 10 years, if that is longer.</i></p>	
Application form	Duration of employment, shred when employment ends <i>Exception: With the same exception as detailed for a volunteer below).</i>
References received	May destroy 1 year after received, otherwise shred at end of employment.
Passports/Driving Licence/Eligibility to work in the UK	Duration of employment and for a further two years after employment ends.
Sickness records	3 years (i.e. at the end of employment, the previous 3 year's records will be in the file, assuming they have been employed for at least that period of time).
Annual leave records	2 years
Unpaid leave/special leave records	3 years
Records relating to an injury or accident at work	12 years
References given/information to enable a reference to be provided (including sickness records)	6 years from end of employment
Recruitment and selection material	6 months after decision
Disciplinary records	6 years after employment ends
Trustee files	6 years after standing down as trustee <i>Exception: With the same exception as detailed for a volunteer below).</i>
Volunteer files	The volunteer file is retained for 12 months after the volunteer has ceased to be a Home-Start volunteer. Sufficient info in order to provide a reference may be retained. <i>Exception: if an allegation has been made about the volunteer, the volunteer file should be retained until the volunteer reaches normal retirement age or for 10 years if that is longer.</i>
DBS Checks	Documented record of each as received and satisfactory (or otherwise) then destroy securely in compliance with DBS guidance.
Potential Employees and Volunteers:	Disclosure Information will not be kept for any longer than is absolutely necessary once a decision has been made about a potential applicant (staff, volunteer or trustee). Normally this will be for up to a period of 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure Information for longer than six months, the scheme will consult the DBS about this and will give full consideration to the Data Protection Act. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.
Disclosure Information	A record will be maintained of all those to whom disclosures or Disclosure Information has been revealed.

Family and volunteer records	
Family records, where no safeguarding concern	The family file is retained for 12 months from the date of ending Home-Start support. The file is stored securely and is marked with the date (month/year) it should be destroyed. The file will be securely destroyed at the appropriate date.
Family records, where a safeguarding concern was referred by Home-Start, or the family were subject to a child protection plan or a Child in Need referral.	The family file is retained for 6 years from the date of ending Home-Start support. The file is stored securely and is marked with the date (month/year) it should be destroyed and stored securely. The file will be securely destroyed at the appropriate date.
Financial Records	
Financial records	6 years
Payroll and tax information	6 years
Corporate	
Employers Liability Certificate	40 years
Insurance policies	Permanently
Certificate of Incorporation	Permanently
Minutes of Board of Trustees	Permanently
Memorandum of Association	Original to be kept permanently
Articles of Association	Original to be kept permanently
Variations to the Governing Documents	Original to be kept permanently
Statutory Registers	Permanently
Membership records	20 years from commencement of membership register
Rental or Hire Purchase Agreements	6 years after expiry
Other	
Deeds of Title	Permanently
Leases	12 years after lease has expired
Accident books	12 years from the date of the last recorded accident, see also records of injuries/accidents at work, above
Health & Safety Records	12 years