The Marigold Centre Ltd. Privacy Notice

The GDPR is coming soon

This legislation will replace current data privacy law, giving more rights to you as an individual and more obligations to organisations holding your personal data.

One of the rights is a right to be informed, which means we have to give you even more information than we do now about the way in which we use, share and store your personal information.

This means that we will be publishing a new privacy notice so you can access this information, along with information about the increased rights you have in relation to the information we hold on you and the legal basis on which we are using it.

This new privacy notice will be published on our website, www.marigoldcentre.co.uk after 25 May 2018.

Overview

The Marigold Centre Ltd respects your right to privacy. This privacy policy has been developed to inform you about the privacy practices followed by The Marigold Centre Ltd in connection with its websites, products and services. This privacy policy does not apply to The Marigold Centre Ltd services offered by or through our partners, or other third parties, or other third-party services or websites, and we encourage you to read the privacy policies of those parties. This privacy policy will inform you about what data is collected, how we use such data, where data is processed, how you may opt out of your data being used, the security provisions around storing your data and how to correct or update your data.

What is Personal Data

Personal data is defined as data relating to a living individual who can be identified from that data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual. GDPR’s definition is more detailed and makes it clear that information such as an online identifier – e.g. an IP address, email address – can be personal data. The more expansive definition provides for a wide range of personal identifiers to constitute personal data, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This is wider than the DPA’s definition and could include chronologically ordered sets of manual records containing personal data.

Collection of Personal Information

We collect and store information from you when you:

* Contract with The Marigold Centre Ltd to fulfil Day Centre services
* Transact between the two companies via email, post or telephone
* Call into our Day Centre

Use of Personal Information

The Marigold Centre Ltd treats personal information as confidential. Your information, whether public or private, will not be sold, exchanged, transferred outside of our company, or given to any other company for any reason without your consent.

Processing of Data and Consent

We will process your data for the purpose of performance of our contract or service with you or the legitimate interest of our businesses. In other cases, we will request your consent for the processing of the personal data you may submit.

Your refusal to provide personal data to us for certain services may hinder us from fulfilling your need for those services.

Also, if you deny or withdraw your consent to use personal data or opt out of receiving information about The Marigold Centre Ltd services this may result in you not being made aware of related service information, special events or service availability.

We will gain additional consent to:

* To register further services on your behalf.
* Register personal information with 3rd parties so to assist the company in gaining services from those 3rd parties.
* During the course of duties, if we need to pass information to a third party, we will obtain consent that the data can be shared, AND record this in our records. However, if we need to share information for legitimate business reasons, or for emergency medical reasons, we reserve the right to do so.

Data Retention

We retain all accounting data for a period including seven complete financial years, this may include some personal data such as names and addresses. All other legitimate business data may be retained for a maximum of six years from completion of any services to a client.

Data relating to employees is retained during employment and for a period of six years after termination of employment.

How we protect your information

Data stored on paper is kept in a secure place that people cannot see or access it. Data print outs are removed immediately, if not required the data is shredded.

Electronically stored data;

* Removable devices which are locked away, this data is encrypted
* All servers and computers containing data are protected by approved Anti Virus and firewalls. These are kept up to date with patches.

All Data is destroyed after the correct retention period.

Any photographs taken are not to include faces, if ID photos need to be taken the photograph will be deleted immediately from the device.

Passwords must be changed every six months and contain at least 9 alphanumeric characters, contain both upper and lower case letters, contain one number, and at least one special character.

The Marigold Centre Ltd will ensure a forced password change schedule for computer user login details and run scans at regular intervals throughout the year to assess password compliance.

Access to your personal information

The Marigold Centre Ltd tries to be as open as it can be in terms of giving people access to their personal information. Individuals (not companies) can find out if we hold any personal information by making a ‘subject access request’ under the Data Protection Act 1998. If we do hold information about you we will:

* give you a description of it;
* tell you why we are holding it;
* tell you who it could be disclosed to; and
* let you have a copy of the information in an intelligible form.

To make a request to The Marigold Centre Ltd for any personal information we may hold you need to put the request in writing. If you agree, we will try to deal with your request informally, for example by providing you with the specific information you need over the telephone.

If we do hold information about you, you can ask us to correct any mistakes by, once again, contacting The Marigold Centre Ltd in writing.

We will require you to provide identification in order to verify the authenticity as the data subject. We will make reasonable effort to respond to and process your request in a timely manner.

Opting out; withdrawing consent

If at any time you would like to unsubscribe from receiving future emails, you may ask us in writing, or by email, to remove you name from our mailing list.

If The Marigold Centre Ltd is processing your personal data based on your consent, you may withdraw your consent at any time by contacting The Marigold Centre Ltd in writing, or by email.

Links to other websites and services

This privacy notice does not cover the links within this site linking to other websites. We encourage you to read the privacy statements on the other websites you visit.

Where we send information, or resell services which relates to 3rd party organisations, weather this is sold via The Marigold Centre Ltd or you contract directly with the 3rd party. We encourage you to read the privacy statements of the other parties. Relevant subject requests will need to be made directly to each 3rd party.

People who make a complaint to us

When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint.

We will only use the personal information we collect to process the complaint and to check on the level of service we provide.

We usually have to disclose the complainant’s identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person’s record is in dispute. If a complainant doesn’t want information identifying him or her to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

We will keep personal information contained in complaint files in line with our retention policy. This means that information relating to a complaint will be retained for two years from closure. It will be retained in a secure environment and access to it will be restricted according to the ‘need to know’ principle.

Similarly, where enquiries are submitted to us we will only use the information supplied to us to deal with the enquiry and any subsequent issues and to check on the level of service we provide.

Your rights

In compliance with the European Union rules on privacy, you have the following rights established by law:

* We use the data you submit only for purposes identified in the section of this privacy policy.
* You have the right to review your personal data and check it for accuracy.
* You have the right to correct data in the case that errors may be found in our records.
* You have the right to request that any of your personal data be erased. i.e. right to be forgotten.
* You have the right to obtain and reuse use your personal data for your own purposes
* You have the right to request that The Marigold Centre Ltd restrict the processing of your personal data under certain circumstances.
* You have the right to object to our processing of your personal data.

Safeguarding

Marigold Centre accepts the moral and legal responsibility to implement procedures, to provide a duty of care for children, young people and adults at risk, safeguard their wellbeing and protect them from abuse when they are in receipt of services provided us.

We aim to do this by:

* Respecting and promoting the rights, wishes and feelings of children, young people and vulnerable adults
* Raising the awareness of the duty of care responsibilities relating to children, young people and vulnerable adults throughout the Company
* Promoting and implementing appropriate procedures to safeguard the well-being of children, young people and vulnerable adults to protect them from harm
* Creating a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur
* Recruiting, training, supporting and supervising staff and volunteers to adopt best practice to safeguard and protect children, young people and vulnerable adults from abuse, and minimise risk to themselves
* Responding to any allegations of misconduct or abuse of children, young people or vulnerable adults in line with this Policy and the Local Area Safeguarding Boards and ‘No Secrets’ guidance as well as implementing, where appropriate, the relevant disciplinary and appeals procedures
* Requiring staff and volunteers to adopt and abide by the Company’s Children, Young People and Vulnerable Adults Safeguarding Policy and Procedures
* Reviewing and evaluating this Policy and Procedures document on an annual basis
* Ensuring that all staff and volunteers are trained to recognise and report abuse in accordance with this policy and that this training will be refreshed at least biannually

This policy should be used in conjunction with any local safeguarding policy and procedures required by the Local Authority.

well as allegations brought to the attention of the Company by a member of the public/community. While it is not our job to establish whether or not abuse is taking place, it is everyone’s responsibility to report any concerns they have over the welfare of children, young people or vulnerable adults. This duty extends to the identification of abuse, poor practice by members of staff, as

Legislations have been recognised in this policy and procedure

* Children Act 1989 and 2004
* Children Schools and Families Act 2010
* Care Act 2014
* Mental Capacity Act 2005 and DoLS 2008
* Public Interest Disclosure Act 1998.
* The Safeguarding Vulnerable Groups Act 2006

Definition of an adult at risk of harm (Care Act 2014)

The statutory framework introduced under the Care Act applies to any person aged 18 or above who:

* Has needs for care and support (regardless of the level of need and whether or not the local authority is meeting any of those needs)
* Is experiencing, or is at risk of abuse or neglect, and
* As a result of those needs, is unable to protect themselves against the abuse or neglect or the risk of it.

Definition of a child

Any person who has not yet reached their 18th Birthday

Child protection duties are grounded in the Children Act 1989. The additional responsibilities to safeguard and promote the welfare of children, including their wellbeing, is identified in the Children Act 2004.

The meaning of ‘wellbeing’ is encapsulated in *s.10 Children Act 2004*, and makes specific reference to children’s:

* Physical and mental health
* Protection from harm and neglect
* Education, training and recreation
* Contribution to society
* Emotional, social and economic wellbeing

Duty of Care

‘Duty of care’ is a phrase used to describe the obligations implicit in your role.

Everyone involved in the care and support of other people has a duty of care.

* All paid workers: full/part time or temporary, all designations and grades
* Students, Apprentices and Trainees
* Volunteers

There are several broad types of abuse: physical abuse, domestic abuse, sexual abuse, psychological abuse, discriminatory abuse, modern slavery, organisational abuse, financial abuse, neglect and acts of omission and self-neglect. Full definitions of these can be found in Section 2

* The welfare of children, young people and adults at risk is the primary concern
* All children, young people and adults at risk have the right to protection from abuse
* It is everyone’s responsibility to report any concerns about abuse

All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately

* All personal data will be processed in accordance with the requirements of the Data Protection Act 2018 and GDPR 2018.

Safeguarding

The national guidance defines safeguarding children and promoting their welfare as:

* Protecting children from maltreatment
* Preventing impairment of children’s health or development
* Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
* Enabling those children to have optimum life chances and enter adulthood successfully

**The Care Act 2014** provides the legal duties and framework necessary to protect adults, and the definition of who an adult at risk is.

**Confidentiality**

Every effort should be made to ensure that confidentiality is maintained for all concerned in the safeguarding of children, young people and adults at risk.

Information should be processed and shared on a need to know basis only. The manager will guide each staff member as to who needs to know information, in line with GDPR 2018.

Where a member of staff is approached regarding an allegation, confidentiality must be clarified early in the discussion.

The person should be informed by the member of staff that at the very least, they will have to disclose the conversation to their line manager and may also need to be disclosed to Social Care and/or the Police.

There may be occasions where a child, young person or adult at risk expresses a wish for concerns not to be pursued. Workers and managers have a duty of care to report to Local Authority Social Care Departments, who will consider the individuals wishes; your duty of care is to report all concerns.

**The responsible Manager will: -**

* Ensure that the procedures are followed appropriately in consultation with Social Care and the Police, if appropriate
* Ensure that the appropriate agencies are informed
* Ensure that information is recorded, stored and processed in accordance with GDPR
* Provide information to staff reporting concerns about support available to them

**Responding to Concerns**

This Policy and its procedures inform all staff and volunteers of what actions they should take if they have concerns or encounter a case of alleged or suspected abuse.

Staff may come across cases of suspected abuse through direct or indirect contact with children, young people and adults, for example in the delivery of care or support services. It is not the staff member’s responsibility to decide whether or not a child, young person or adult has been abused. It is their responsibility to report their concerns. The primary concern is to ensure that any relevant information is passed to the Manager who will then discuss any action or referral to the relevant authority e.g. Police or Social Care Services without delay

**Responding to Suspicions**

Staff are not expected to investigate suspicions or concerns of abuse, other agencies are trained to do this. Most suspicions arise because a member of staff notes a pattern of occurrences or a

significant incident happens. If you have a concern about the safety or welfare of a child, young person or adult:

* Note the concerns and your reasons
* Staff may choose to see their line manager in the first instance
* Report to Manager as soon as possible
* Maintain confidentiality as described above

**Staff Members raising concerns about a Colleague**

In the event of having a concern about a colleague, staff must to talk to their manager in the first instance, who will support them through the reporting process; the whistleblowing procedure supports this process.

When a member of staff or a volunteer raises concerns with their manager, the

Manager will ensure that:

* Staff involved are supported as required in line with the Company’s Whistleblowing Policy
* The procedures are followed appropriately in consultation with Social care Services and/or Police
* The appropriate agencies, staff members, LPA, parents/ carers are informed
* Information is recorded and stored appropriately

Marigold Centre recognises that when safeguarding concerns relate to a colleague’s conduct that this can involve additional stress to reporters. We will fully support and protect all members of staff or volunteers who, in good faith (without malicious intent), report his or her concern about a colleague’s practice or the possibility that a child or adult may be being abused. This will be accordance with the Whistleblowing Policy.

**Responding to Disclosure**

Abused children, young people and adults are more likely to disclose details of abuse to someone they trust and with whom they feel safe. By listening and taking seriously what the child, young person or adult is saying you are already helping the situation. The following points are a guide to help you respond appropriately.

What to do if a child, young person or adult discloses information to you:

* React calmly
* Take what the person says seriously
* Do clarify your understanding of what the person has said but avoid asking detailed or leading questions. Do not interrogate.
* Reassure the person that they were right to tell and do not make promises not to tell anyone
* Be open and honest, explain to them that you will have to share your concerns with your manager
* Immediately record all details in writing, using the child, young person or adult’s own words
* As soon as possible notify and give your original notes to the Manager

Actions to Avoid

The person receiving the disclosure should not:

* Dismiss the concern
* Panic
* Allow their shock or distaste to show
* Probe for more information than is comfortably offered – do not overpressure fora response
* Speculate or make assumptions
* Make negative comments about the alleged abuser
* Make promises or agree to keep secrets
* Should not suggest any action/s or consequences that may be undertaken in response to the disclosure

Below are some examples of types of abuse, and are relevant to both Children and Adults. This list is not exhaustive

|  |  |
| --- | --- |
| **Physical Abuse** | **Domestic Violence** |
| * Hitting * Slapping * Rough or inappropriate handling * Pushing * Kicking * Hair pulling * Inappropriate use of medication such as sedatives | Incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality. Domestic abuse is not just about partners but all family relationships.  This includes:   * So called ‘honour’ based violence * Female Genital Mutilation * Forced marriage. |
| **Neglect and Acts of Omission** | **Psychological Abuse** |
| * Ignoring medical, emotional or physical care needs * Failure to provide access to health, care and support or educational services * The withholding of the necessities of life, such as medication, adequate nutrition and heating, access to toileting facilities * Failure to protect from physical and emotional harm or danger | * Threats of harm or abandonment, insults, ridicule, bullying, enforced isolation, deprivation of contact, lack of privacy or choice * Denial of dignity * Harassment * Intimidating behaviour |
| **Organisational Abuse** | **Sexual Abuse** |
| * Neglect and poor care practice within an organisation that supports people or a specific care setting * This may range from one off incidents to on-going ill-treatment. * It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation. | * Rape or sexual assault * Inappropriate touching * Sexual innuendo * Offensive or sexual language * Viewing sexual activity or sexually explicit material * Grooming |
| **Discriminatory Abuse** | **Financial or Material Abuse** |
| Discriminatory abuse exists when values, beliefs  or culture result in a misuse of power. This  includes forms of harassment, slurs or similar  treatment; because of race, gender and gender  identity, age, disability, sexual orientation,  religion. | * Misuse of finances, Fraud * Theft * Coercion in connection with wills, property, inheritance or financial transactions * Misappropriation of money or goods, property or possessions |
| **Self-Neglect** | **Modern Slavery** |
| Self-neglect is characterised as the behaviour of a person that threatens his/her own health or safety. Self-neglect generally manifests itself as a refusal or failure to provide himself/herself with adequate food, water, clothing, shelter, personal hygiene, medication (when indicated), and safety precautions. | Encompasses slavery, human trafficking, forced labour and domestic servitude.  Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. |

**Remember**: Listen – write it down – report it

Changes to our Privacy Policy

If we make material changes to our privacy policy, we will inform customers by emailing a notice of the availability of a new version with a link to the new version on our web site.