



PRIVACY NOTICE

Employees, Applicants and Third-Party Contractors

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This document contains details of processing of data belonging to our employees, including agency staff and third party contractors, as well as those going through the employment application process.

As your employer, the Company needs to keep and process information about you for normal employment purposes and to manage the employment relationship. The Company is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with the Company, in accordance with the General Data Protection Regulation (**GDPR**).

The Company is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. The Company is required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. The Company may update this notice at any time.

It is important that you read this notice, together with any other privacy notice the Company may provide on specific occasions when collecting or processing personal information about you, so that you are aware of how and why the Company is using such information and what your rights are under the data protection legislation.

The information we hold and process will be used for our management and administrative use only. We will keep and use it to enable us to run the business and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends and after you have left.

This includes using information to able us to comply with the employment contract, to comply with any legal requirements, pursue the legitimate interests of the Company and protect our legal position in the event of legal proceedings.

Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.



4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

What information does the Company collect?

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s health or sexual orientation. Information about criminal convictions also warrants this higher level of protection. These are referred to separately in this privacy notice.

The Company collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender.
- the terms and conditions of your employment including location of employment or workplace.
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Company.
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover.
- a copy of your driving licence.
- details of your bank account and national insurance number.
- information about your marital status, next of kin, dependants and emergency contacts.
- information about your nationality and entitlement to work in the UK.
- your compensation history.
- details of your working pattern (days of work and working hours) and attendance at work.
- details of periods of leave taken by you, including holiday and sabbaticals, and the reasons for the leave.
- details of any disciplinary or grievance procedures in which you have been involved, including any allegations made, warnings issued to you and related correspondence.
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence.
- your computer and telephone/mobile telephone use, as detailed in our Computer/telephone/electronic communications /expenses policy, within the Company Handbook.
- details of your leaving date and your reason for leaving.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- photographs.



We may also collect, store and use the following “special categories” of more sensitive personal information:

- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.
- information about your criminal record.
- information about your health or medical conditions, which could include reasons for absence and GP reports and notes and whether or not you have a disability for which the Company needs to make reasonable adjustments.
- details of any absences (other than holidays) from work including time on statutory parental leave and sick leave.
- details of trade union membership.
- when you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.

How is information collected?

The Company collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments. This is either collected directly from you or sometimes from an employment agency or background checker.

In some cases, the Company collects personal data about you from third parties, such as references supplied by former employers, professional registrations such as Social Work England and information from criminal records checks permitted by law.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

Where is data stored?

Data is stored in a range of different places, including in your personnel file, in the Company's HR management systems and in other IT systems (including the Company's email system).

Why does the Company process personal data?

We will only use your personal information when the law allows us to. We set out our reasons for using your personal information below.

The Company needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefits and pensions.

In some cases, the Company needs to process data to ensure that it is complying with its legal obligations. For example, the Company is required to check your entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable you to take periods of leave to which you are entitled.



For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the Company has a legitimate interest in processing your personal data before, during and after the end of the employment relationship.

We may also use your personal information in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

Processing employee data allows the Company to:

- run recruitment and promotion processes.
- determine the terms of which you work for the Company.
- check you are legally entitled to work in the UK.
- pay you and, if you are an employee, deduct tax and National Insurance contributions.
- provide employment benefits to you.
- liaise with your pension provider, including enrolling you in a pension arrangement and liaising with the pension providers.
- carry out business management and planning, including accounting and auditing.
- make decisions about salary reviews and compensation.
- assess qualifications for a particular job or task, including decisions about promotions.
- meet education, training and development requirements.
- comply with health and safety obligations.
- prevent fraud.
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of contractual and statutory rights.
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace.
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes.
- monitor your use of our information and communication systems to ensure compliance with our IT policies.
- ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- make arrangements for the termination of our working relationship.
- ascertain your fitness to work.
- operate and keep a record of other types of leave (including Maternity, Paternity, Adoption, Parental and Shared Parental leave), to allow effective workforce management, to ensure that



- the Company complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled.
- ensure effective general HR and business administration.
- provide reference on request for current or former employees.
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the Company relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Providing information regarding your family members

We may on occasion ask you to provide personal contact information relating to your family members or other individuals, for example, for the purposes of collecting emergency contact details and for the purposes of obtaining your expression of wishes in connection with certain benefits. On occasions, you may provide other personal information relating to your family members to us, for example in connection with a request for flexible working. By providing these details to us you are confirming that you have the relevant individual's consent to provide such information to us and for us to process this in accordance with this Privacy Notice.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How the Company uses particularly sensitive personal information

“Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which are required by law to maintain when processing such data.

We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.



Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will use your particularly sensitive information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
- If you apply for an ill-health pension under a pension arrangement operated by a group company, we will use information about your physical or mental health in reaching a decision about your entitlement.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to register the status of a protected employee and to comply with employment law obligations.

Where the Company processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the Company uses for these purposes is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with the Company's Data Protection Policy.

We may use information about convictions and offences in order to assess individual's suitability for employment. We are allowed to use your personal information in this way to carry out our safeguarding obligations.



Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

Who has access to data?

Relevant information of the type outlined above will be gathered by or shared with the Company's outsourced HR provider, Handover HR. This will help the Company to appropriately manage its relationship with you before, during and after your period of employment.

Your information will be shared internally, including with members of the Recruitment, HR and Payroll teams, your Manager, Managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

We may transfer information about you to other group companies for purposes connected with your employment or the management of the Company's business.

Why we might share your personal information with third parties

We may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or whether we have another legitimate interest in doing so,

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-parties: payroll, pension administration, credit reference checks, benefits provision and administration, and the provision of IT, occupational health, financial, legal and HR services.

The Company also shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. The Company may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

We may share your data with regulatory bodies where we believe unlawful activity has taken place, such as Ofsted and the Disclosure and Barring Service. Where we have concerns about Social Care England's professional standards being compromised by a Social Worker(s), we may share your data with them so that they can investigate those concerns fully.



We will cooperate fully with all regulatory organisations to provide information that is requested to assist with any investigation that they undertake. This may also mean providing information after you have left the organisation.

We require third parties to respect the security of your data and to treat it in accordance with the law.

The Company do not anticipate transferring your data to countries outside the European Economic Area.

How does the Company protect data?

The Company takes the security of your data seriously. The Company has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Further information on the Company's Data Protection Policy and Controls can be found in the Company Handbook.

Where the Company engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data. All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, minimise the amount of information we share and use anonymised data where possible.

We may also need to share your personal information with a regulator, or to otherwise comply with the law. This may include, but is not limited to, making returns to HMRC, disclosures to regulators and disclosures to shareholders, such as directors' remuneration reporting requirements.

For how long does the Company keep data?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements.

The Company will hold your personal data for the duration of your employment. The standard period for which your data is held after the end of employment is 6 years. However, in accordance with current Fostering Service Regulations the following data is held for a period of 15 years: Full Name, Sex, Date of Birth, Home Address, Qualifications relevant to, and experience of, work involving children, whether you were employed or under a contract for services, whether you were employed by someone other than the Company, whether you worked full or part time and if part time the average number of hours worked.



In addition, in accordance with the current National Minimum Standards the Company will retain on file the details of any allegations against a person working for or on behalf of the Company including outcomes, until you reach normal retirement age or for a period of ten years if this is longer.

Unsuccessful applicant data obtained during the recruitment process is kept for 6 months.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data Officer

We have a Data Officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact Jayne Day at Jayne.Day@capstonefostercare.co.uk. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Your rights

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request (commonly known as a “data subject access request”).
- require the Company to change incorrect or incomplete data.
- require the Company to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing and there is no good reason for us continuing to process it.
- object to the processing of your data where the Company is relying on its legitimate interests as the legal ground for processing.

- ask the Company to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the Company's legitimate grounds for processing data. If you have provided consent for the processing of your data you have the right (in certain circumstances) to withdraw that consent at any time which will not affect the lawfulness of the processing before your consent was withdrawn.
- request the transfer of your personal information to another party.

If you would like to exercise any of these rights, please contact Jayne Day, Service Improvement Manager via email Jayne.day@capstonefostercare.co.uk.

If you believe that the Company has not complied with your Data Protection rights, you have the right to lodge a complaint with the Information Commissioners' Office.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

In order to carry out your requests we may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

What happens if I do not provide personal data?

You have some obligations under your employment contract to provide the Company with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the Company with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the Company to enter into a contract of employment with you. If you do not provide other information, this will hinder the Company's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Automated decision-making

Employment decisions are not based solely on automated decision-making. If you have any concerns as to how your data is processed you can contact the Company's nominated Data Officer, Jayne Day at Jayne.day@capstonefostercare.co.uk

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.