Pawpalz Peer Support Service
SC051061

DATA PROTECTION,

SAFEGUARDING, PVG

POLICIES

September 2022

REVISION	EFFECTIVE DATE	PURPOSE
A1	1 September 2021	Establishment of Policies for Pawpalz
A2	9 September 2022	Establishment of Policies for Pawpalz

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PURPOSE

The purpose of this policy is:

- To protect adults who receive PawPalz's services.

This policy has been drawn up based on legislation, policy and guidance that seeks to protect adults in Scotland.

DEFINITION OF ROLES

Chairman means the Pawpalz Board appointed chairperson (Toby McKillop as at 1 September 2021)

Data Protection Coordinator is the Treasurer appointed by the Pawpalz Board (Tom Craggs as at 1 September 2021)

Safeguarding Coordinator is the person appointed by the Pawpalz Board (Justine Birkin as at 4 September 2022)

DATA PROTECTION

1. Overview

1.1 The Board takes the security and privacy of personal information seriously.

As part of our activities we need to gather and use personal information about a variety of people including members, former members, employees, office-holders and generally people who are in contact with us. The Data Protection Act 2018 (the "2018 Act") and the EU General Data Protection Regulation ("GDPR") regulate the way in which personal information about living individuals is collected, processed, stored or transferred.

1.2 This policy explains the provisions that we will adhere to when any personal data belonging to or provided by data subjects, is collected, processed, stored or transferred on behalf of the members. We expect everyone processing personal data on behalf of the members (see paragraph 5 for a definition of "processing") to comply with this policy in all respects.

1.4 All personal data must be held in accordance with the Pawpalz's Data Retention Policy, which must be read alongside this policy. A copy of the Data Retention Policy can be obtained from the Treasurer (Data Protection Coordinator). Data will only be held for as long as necessary for the purposes for which it is collected.

1.5 This policy does not form part of any contract of employment (or contract for services if relevant) and can be amended by the Board at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, the Board intends to comply with the 2018 Act and the GDPR.

1.6 Any deliberate or negligent breach of this policy by an employee of the members may result in disciplinary action being taken in accordance with our disciplinary procedure. It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see Paragraph 12 below) and such conduct by an employee would amount to gross misconduct which could result in dismissal.

2. Data Protection Principles

2.1 Personal data will be processed in accordance with the six 'Data Protection Principles.' It must:

- be processed fairly, lawfully and transparently;
- be collected and processed only for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed; and
- be processed securely.

We are accountable for these principles and must be able to demonstrate compliance.

3. Definition of personal data

3.1 "Personal data" means information which relates to a living person (a "data subject") who can be identified from that data on its own, or when taken together with other information which is likely to come into the possession of the data controller. It includes any expression of opinion about the person and an indication of the intentions of the data controller or others, in respect of that person. It does not include anonymised data.

3.2 This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

4. Definition of special category personal data

4.1 "Special category personal data" is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership; genetic or biometric data; data concerning health; or data concerning a person's sex life and sexual orientation.

4.2 A significant amount of personal data held by the Board will be classed as special category personal data, either specifically or by implication.

5. Definition of processing

5.1 "Processing" means any operation which is performed on personal data, such as collection, recording, organisation, structuring or storage; adaption or alteration; retrieval, consultation or use; disclosure by transmission, dissemination or otherwise making available; and restriction, destruction or erasure.

6. How personal data will be processed

6.1 Everyone who processes data on behalf of Pawpalz has responsibility for ensuring that the data they collect and store is handled appropriately, in line with this policy.

6.2 Personal data will only be accessed by those who need it for the work they do for or on behalf of Pawpalz. Data will be used only for the specified lawful purpose for which it was obtained.

6.3 The legal bases for processing personal data (other than special category data, which is referred to in Paragraph 8 below) are that the processing is necessary for the purposes of Pawpalz's legitimate interests; or that (so far as relating to any staff whom we employ) it is necessary to exercise the rights and obligations of Pawpalz under employment law; or that (in relation to the processing of personal data relating to criminal convictions and offences or related

security measures in a safeguarding context) the processing meets a condition in Part 1, 2 or 3 of Schedule 1 of the Data Protection Act 2018.

6.4 Personal data held in all ordered manual files and databases will be kept up to date. It will be shredded or disposed of securely when it is no longer needed. Unnecessary copies of personal data will not be made.

7. When is consent needed for the processing of personal data?

7.1 A significant amount of personal data held by the Pawpalz will be classed as special category personal data.

7.2 Processing of such special category data is prohibited under the GDPR unless one of the listed exemptions applies. Three of these exemptions are especially relevant (although others may also apply):

- the individual has given explicit consent to the processing of the personal data for one or more specified purposes;
  OR
- processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data is not disclosed outside that body without the consent of the data subjects;
  OR
- processing is necessary for reasons of substantial public interest, and in particular for the purpose of
  (a) protecting an individual from neglect or physical, mental or emotional harm; or
  (b) protecting the physical, mental or emotional well-being of an individual, where that individual is either aged under 18 or is aged 18 or over and is "at risk" (has needs for care and support, experiencing or at risk of neglect or any type of harm, and unable to protect themselves).

7.3 Most of the processing carried out by Pawpalz will fall within the latter two exemptions, and will be carried out by Pawpalz with appropriate safeguards to keep information safe and secure. This information will not be disclosed outside of Pawpalz without consent. Such processing will not require the explicit consent of the data subject.

7.4 Where personal data is to be shared with a third party, Pawpalz will only do so with the explicit consent of the data subject. For example, personal data will only be included in a directory for circulation or included on a website where consent has been obtained.

7.5 If consent is required to process the information this should be recorded using a consent form. If consent is given orally rather than in writing, this fact should be recorded in writing.

8. Keeping personal data secure

8.1 Personal data will not be shared with those who are not authorised to receive it.

Care will be taken when dealing with any request for personal information over the telephone or otherwise. Identity checks will be carried out if giving out information to ensure that the person requesting the information is either the individual concerned or someone properly authorised to act on their behalf.

8.2 Hard copy personal information will be stored securely (in lockable storage, where appropriate) and not visible when not in use. Filing cabinets and drawers and/or office doors will be locked when not in use. Keys should not be left in the lock of the filing cabinets/lockable storage.

8.3 Passwords will be kept secure, should be strong, changed regularly and not written down or shared with others.

8.4 Emails containing personal information should not be sent to or received at a work or personal email address (other than an pawpalzpack@outlook.com) as this might be accessed by third parties.

8.5 The 'bcc' rather than the 'cc' or 'to' fields should be used when emailing a large number of people, unless everyone has agreed for their details to be shared amongst the group.

8.6 Personal data should be encrypted or password-protected before being transferred electronically.

9. Sharing personal data

9.1 We will only share someone's personal data where we have a legal basis to do so. This may require information relating to criminal proceedings or offences or allegations of offences to be processed for the protection of children or adults who may be at risk and to be shared with the statutory agencies.

9.2 We will not send any personal data outside the European Economic Area. If this changes all individuals affected will be notified and the protections put in place to secure your personal data, in line with the requirements of the GDPR.

10. How to deal with data security breaches

10.1 Should a data security breach occur, the Board if the breach is likely to result in a risk to the rights and freedoms of individuals then the Information Commissioner's Office must be notified within 72 hours.

10.2 Breaches will be handled by the Treasurer.

11. Subject access requests

11.1 Data subjects can make a subject access request to find out what information is held about them. This request must be made in writing. Any such request received by the Board should be forwarded immediately to safeguarding@pawpalzpack.co.uk FAO Data Protection Coordinator) who will coordinate a response within the necessary time limit (30 days).

11.2 It is a criminal offence to conceal or destroy personal data which is part of a subject access request.

12. Data subject rights

12.1 Data subjects have certain other rights under the GDPR. This includes the right to know what personal data the members processes, how it does so and what is the legal basis for doing so.

12.2 Data subjects also have the right to request that the Board corrects any inaccuracies in their personal data and erase their personal data where we are not entitled by law to process it or it is no longer necessary to process it for the purpose for which it was collected. Data should be

erased when an individual revokes their consent (and consent is the basis for processing); when the purpose for which the data was collected is complete; or when compelled by law.

12.3 All requests to have personal data corrected or erased should be passed safeguarding@pawpalzpack.co.uk FAO Data Protection Coordinator), who will be responsible for responding to them in liaison with the Treasurer.

13. Contracts

13.1 If any processing of personal data is to be outsourced from Pawpalz, we will ensure that the mandatory processing provisions imposed by the GDPR will be included in the agreement or contract.

14. Policy review

The Board will be responsible for reviewing this policy from time to time and updating the Members in relation to its data protection responsibilities and any risks in relation to the processing of data.

SAFEGUARDING

1. Regular training/awareness raising on safeguarding requirements:

PawPalz will continue to work alongside accredited organisations e.g.The Scottish Recovery Network, Aberdeenshire Voluntary Action to ensure all volunteers receive appropriate training and support to encourage good awareness on ever changing safeguarding requirements.

2. Risk assessment of all activities, events, buildings, locations, and facilities:

A PawPalz Trustee will carry out any risk assessment requirements before any activity or event where we may be using differing locations and facilities.

3. Do's and don'ts guidance for volunteers:

(a) PawPalz volunteers will be expected to treat everyone in a non-judgemental and respectful manner when representing the charity.
(b) PawPalz will operate a one dog per person policy whilst on any group walk, and the dog must be kept on a lead or be always under full control of the owner.
(c) PawPalz cannot allow lone working at this point (see date of policy).
(d) Any incidents or accidents during the walks are to be noted and recorded by the Walk Leader. – Do we have an incident log? Check Paths for all website

4. Effective planning:

The Trustees will meet to plan, and risk assess the needs of any given event or activity.

5. Regular support & supervision meetings with volunteers:

(a) All volunteers to be made aware of "safe space to talk" where any concerns or issues can be discussed in a private and respectful manner.
(b) All Walk Leaders to be given support after every walk and encouraged to deliver feedback on the groups experience so any issues which may arise can be dealt with in a professional manner.

6. Clearly defined roles and responsibilities and role description:

Volunteer Walk Leader role and responsibilities are summarized as follows:-

(a) The Walk Leader shall introduce the group at the beginning of each walk stating the group rules on confidentiality, treating everyone with respect (the mutts included), make everyone aware of the route and any potential hazards.
(b) The Walk Leader will carry out a live risk assessment during the entirety of the walk, remaining vigilant for any unseen hazards where possible.
(c) The Walk Leader will carry a first aid kit, bottle of water and poop bags during the walks.
(d) The Walk Leader must carry a mobile phone in the event of any emergency contact being required.
(e) The Walk Leader will let everyone know the details of each walk in advance where possible.
(f) The Walk Leader will keep a record of numbers attending each walk for membership purposes.
(g) The Walk Leader will report back to the Trustees any incidents and where necessary take statements from individuals where there maybe allegations of harm to either humans or dogs.
(h) The Walk Leader shall clearly state when the walk has begun at the introduction and when the walk has ended.

7. Guidance on managing boundaries:

All PawPalz volunteers to be made aware of responses to 'out of hours' contacts and to be given appropriate training regarding managing boundaries and signposting to appropriate services.

8. Robust recruitment procedures:

Before becoming a Pawpalz walk leader, members will be subject to an informal interview. Thereafter will be put through the process of being PVG checked.

9. Guidance on the process for managing allegations, concerns, or actual incidents:

In the case of any incident occurring while on the walks where harm has been alleged the Walk Leader is to take a statement from the persons involved.

The Trustees will discuss and agree on any course of action to be followed in cases where harm maybe involved.

Individuals involved in any allegations would be invited to respectfully refrain from attending any PawPalz event or walk until such time as the matter has been addressed or resolved.

Continued support will be offered to all parties and further signposting to other relevant agencies or organisations which may be able to offer further support where required.

PVG POLICY

The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances. If Pawpalz permanently remove someone from regulated

work you need to decide if the reason(s) that they were removed mean that you need to let Disclosure Scotland know what's happened. This is called "Making a Referral" and includes circumstances where you would have removed them if, for any reason, they have already left the role.

Disclosure Scotland will then use this information to help them decide if someone remains suitable to continue to do regulated work (with children/adults/both) or if they should be removed from regulated work.

1. *When Should You Let The Protection Unit Know What's Happened?*

You should only make a referral when two conditions have been met:-

Condition 1 – A person has been permanently removed/removed themselves from regulated work

Condition 2 – At least 1 of the following 5 grounds apply to their permanent removal:

- Caused harm
- Placed someone at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Given inappropriate medical treatment

When both of these conditions have been met, Pawpalz must let Disclosure Scotland know by making a referral. The form for making a referral can be found on Disclosure Scotland's website, along with instructions for completing the form and the Protection Unit can be contacted on 03000 2000 40 if you need any help.

Making a referral is not optional. It is a legal requirement to report circumstances where both conditions are met. This should be done within 3 months of making your decision.

2. *Referrals Policy*

This policy is relevant to all those involved in making recruitment/disciplinary decisions in Pawpalz.

When a volunteer or member of staff is permanently removed from a regulated work position, there are certain circumstances where or organisation must notify the Protection Unit at Disclosure Scotland that this has happened. This is called "Making a Referral". If we would have permanently removed the individual, the actions detailed in this policy will continue to apply (even if a member of staff or volunteer leaves their regulated work position prior to any action being taken, irrespective of the reason that they leave).

Two conditions must be met before we let Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed/removed themselves from regulated work

Condition 2 – At least 1 of the following 5 grounds apply

- Caused harm to a child or protected adult
- Placed someone at risk of harm

- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Given inappropriate medical treatment

When both of these conditions have been met, it is a legal requirement that we must let Disclosure Scotland know by making a referral within three (3) months of the permanent removal of the individual.

Where there is an historical allegation of harm or inappropriate behaviour about someone who is no longer in regulated work with Pawpalz but which we believe would, in all probability, have led to the two conditions being met, we will consider whether we want to make a referral but the legal responsibility applies only after 28 February 2011 when PVG was first introduced.

Where it is necessary to make a referral, this process will be carried out by the Pawpalz Chairman. In their absence, the referral process will be carried out by the Safeguarding Coordinator. Those who are in a position which may involve carrying out disciplinary action which may result in the removal from regulated work or dismissal of someone in regulated work must ensure they notify the Pawpalz Chairman or, in their absence, the Safeguarding Coordinator of the legal requirement to make a referral where the conditions above have been met.

Failure to make a referral where required, may result in Pawpalz being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify the Pawpalz Chairman or Safeguarding Coordinator whenever both conditions for making a referral have been met.