



Family Nursing & Home Care

Personal File Policy

November 2013

Document Profile

Type i.e. Strategy, Policy, Procedure, Guideline, Protocol	Policy
Title	Personal File Policy
Category i.e. organisational, clinical, finance	Organisational
Version	1.0
Author	Human Resources Officer
Approval Route , i.e. Policy & Procedure Group, Operational Governance Group	Policy & Procedure Working Party
Approved by	Chief Executive Officer
Date approved	26/11/13
Review date	26/11/16

Statement of Intent

This policy sets out the standards of practice required in the management of employee's personal files based on current legal requirements and best practice. The policy includes information regarding what documents should be stored within an employees' personal file, legislative requirements, and an employee's right to access information concerning them.

Capturing and maintaining information in respect of all employees is vital to the good HR administration of Family Nursing and Home Care (FNHC). Issues relating to promotion, training, development, terms and conditions of service and a host of other matters will depend upon comprehensive and accurate information being readily to hand. Legislative requirements such as the Freedom of Information, Public Records, Data Protection laws have an impact on how personal information should be treated. It is, therefore, incumbent upon those in the HR function to ensure that effective and efficient procedures are applied.

At present, hard copy and electronic personal files in respect of employees are maintained in the HR department and certain personal information is also held the relevant division.

The Data Protection (Jersey) Law 2005 applies to all electronic and hard copy personal files. The law requires those holding personal data to comply with eight data protection principles and to allow individuals to access, and if necessary correct data that relates to them.

Further information regarding the Data Protection Law and Data Protection principles can be found on www.dataprotection.gov.je

Process

When the Association recruits a new employee and that person has not been employed by FNHC previously, the HR team will raise both a hard copy and electronic personal file. The file will contain the information set out in Appendix A as a minimum. Any other information contained in the electronic personal file should comply with the principles of fairness and with regard to local legislative requirements on how records should be treated under the principles of the Data Protection Law.

The HR department will also be responsible for maintaining a hard copy personal file. The HR department will ensure that all documentary information in respect of that employee is retained in the file. In this regard the department shall ensure that all documents that are set out in the Appendix will be kept on the appropriate file for the timespan identified in the Association's Retention Policy.

If an employee terminates his/her employment with FNHC, it will be the responsibility of the HR department to retain the hard copy personal file for a period of six months from that employee's departure date. Thereafter, the contents of the file may be archived by FNHC for a period of 10 years.

If FNHC recruits an employee who had previously been employed by FNHC, depending on the length of time that has lapsed it will be at the discretion of the HR department as to whether a new record is created.

Data Security / Confidentiality

It is a responsibility of individuals who have access to HR records to ensure that all personal information (both electronic and manual) is kept secure and confidential and is made available only to those who have legitimate need for it. Employees must know confidentiality is assured.

Access to Personal Files

The Data Protection (Jersey) Law 2005 provides for access to all electronic and manual information (unless there are justifiable grounds for withholding it), and the correction of inaccurate personal records.

An individual is to be allowed access to their own personal file in order to check the accuracy of information on it, provided the following procedure and conditions apply;

- The individual concerned should give at least 48 hours notice to their Supervisor or HR Officer that they wish to check the contents of their personal file.
- They should be allowed to check through the file in the presence of the HR department.
- The individual will have a legal right to have inaccurate data relating to them rectified, erased or destroyed.

The Data Protection (Jersey) Law 2005 also allows individuals to make a written request for all written and electronic information about them to be disclosed. Should a formal "Subject Access" request be received the Information Governance Office for FNHC should seek advice about the extent of information that can reasonably be supplied. The Law allows 40 days to supply the requested information and FNHC may make a £10 charge for finding and copying the data. The Law permits/allows us to withhold data under certain circumstances e.g. if another individual can be identified in the data. Copies of personal files should only be released to third parties such as lawyers or union representatives with the written consent of the individual concerned.

Quality Standards Applicable

(16) Supporting Workers

People are kept safe and their health and welfare needs are met by competent staff who are properly trained, supervised and appraised.

Appendix A

Information which should be contained as a minimum within each staff member's Personal File

1. Application Form
2. References
3. Job Description
4. Contract of Employment
5. Confirmation of Completion of Probation
6. Payroll Details
7. Pension details
8. Medical Clearance
9. Copy of Medical Certificates
10. Request to undertake employment in addition to that as an employee of FNHC
11. Copy of Requests for Special/Maternity/Paternity/Adoption Leave
12. Documents relating to Grievance or Disciplinary matters
13. Training / Professional Qualifications
14. Driving Licence and Vehicle Insurance details (if using a vehicle)
15. Copy of Passport

Documents that will also be contained within a Personal File may include

16. Appraisal Records
17. Documents relating to Disciplinary matters
18. Documents relating to grievances, harassment and bullying whistleblowing and other industrial matters
19. Employment tribunal applications and other related matters.