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# Technical Updates "Test and Trace" - A Further Update

 Updated 24 Sep 2020

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This article seeks to clarify the current legal test and trace requirements placed on Managing Trustees following Government press releases, legislation brought into force on Friday 18th September 2020 and the launch of the NHS Test and Trace app on 24 September 2020.

Please note that the new regulations apply to England only. Local Churches in Wales and Scotland are expected to follow TMCP's Test and Trace data protection guidance where applicable, adapted to the particular requirements in Wales and Scotland. Please note that the NHS QR Code guidance does not apply in Scotland (although it is available to Methodist buildings in Wales) which has its own ["Test and Protect"](#) programme. For Local Churches in Wales, please refer to the Welsh Government's guidance on ["Test, Trace and Protect"](#).

## **1. Is it now a legal requirement for places of worship to collect and share contact details as part of the Government's Test and Trace programme (NHS Test and Trace)?**

Although as of 18 September 2020 it is now a legal requirement for certain settings including cafes, village halls and community centres to have a system in place to keep a temporary Test and Trace record and share the information with NHS Test and Trace, places of worship are not included. However, it is still strongly encouraged by the Government, by NHS Test and Trace and by the Methodist Church that Methodist buildings ensure they do keep a record and display an official NHS QR code poster.

It is recommended that Managing Trustees now take this opportunity to review the systems they have in place to record who

has been in the building and when, and ensure that the existing records enable them to provide contact details to NHS Test and Trace if requested. If you do not yet have a system in place or are aware of chapels in your Circuit who do not have a system in place please ask them to contact [TMCP Data Protection](#) or [Property Support](#) so that we can assist them.

The guidance in our Focus Note, [Test and Trace, Data Protection and What You Need to Do](#) and the template [Test and Trace record](#) is intended to help Managing Trustees put a system in place that both enables Managing Trustees to collect the information they need to help NHS Test and Trace (if called upon to do so) and comply with their data protection responsibilities.

We have been contacted by many Managing Trustees who have put in place their own systems based on the guidance provided by TMCP, including nominating a steward to keep the record while the building is open and asking visitors to complete details taken from the record on individual cards which are then posted into a ballot box. Speak to your Circuit to see how other chapels in your Circuit are collecting and storing this information and ensure that your system is in accordance with the "Data Protection Five Step Plan" set out in [Section C](#) of TMCP's Test and Trace Focus Note. These systems make a lot of sense from a "COVID safe" perspective; no shared pens/forms and reduce the risk of personal information being seen by others.

## **2. Is it now a legal requirement for us to display an official NHS QR Code poster in places of worship?**

It is not yet a legal requirement for an official NHS QR Code to be displayed in places of worship. However, displaying such a code is still strongly encouraged by the Government, by NHS Test and Trace and by the Methodist Church. The Government website states that places of worship "should" create and display an NHS QR Code and NHS Test and Trace states that places of worship are expected to display an NHS QR Code.

Full guidance on how to create an NHS QR Code for your place of worship is available on the "[Create a coronavirus NHS QR code for your venue](#)" page on the Government's website.

While not all your visitors will have smart phones, displaying an NHS QR Code poster will help those visitors with smart phones and who have downloaded the NHS COVID-19 app to simply scan the code when they enter your premises. If people scan the code, you do not need them to complete details on your own record which should ease the burden on Managing Trustees.

Note that only one NHS QR Code should be generated per building – nominate one Managing Trustee for your premises to create a code using the above link and to print your unique QR code poster once they receive the same by email.

You can and should display multiple copies of your unique QR code poster in your premises to ensure that this can easily be scanned by visitors whichever entrance they use and to avoid the need for queuing. Note that you can display the unique QR code on a screen e.g. a tablet or TV screen at the premises if you are unable to print the poster.

There is lots of practical guidance on obtaining and using the NHS QR code system on the "[Create a coronavirus NHS QR code for your venue](#)" page on the Government's website and the [NHS COVID-19 app support](#) website.

### **3. Do we have to refuse entry to our place of worship to somebody who refuses to complete our visitor record or to scan the NHS QR Code?**

This is not yet a legal requirement for places of worship however, pursuant to Government guidance, it is strongly recommended that you do what you can to encourage people to provide their details or scan your official NHS QR code. Ultimately and pending any further guidance from the Connexional Team, refusing entry remains a decision for the Managing Trustees. It may help to talk to such a person about their concerns perhaps emphasising the need to work together to try and help the Government's Test and Trace system function to keep us all safe. Would setting out the data protection measures you are taking to keep their information secure set their mind at rest? Have they had chance to read the privacy information contained in the Methodist Church's Privacy Notice (see the front page of the [Test and Trace record](#) also available as a [poster](#)) and understand that you will only share their details with NHS Test and Trace if they contact you to request such details?

### **4. Somebody at our local church has had a positive test. They attended a service just a couple of days beforehand. Do we have to let everybody who attended the service know and does this mean that everybody has to self-isolate? What about other groups who have used the building since Sunday?**

In accordance with the Government's and Methodist Church guidance, the service and subsequent use of the premises should have been conducted in accordance with your risk assessment and action plans for reopening the church building to create a

## COVID secure venue.

From a Data Protection point of view it is critical that you do not share details of the positive test with anybody apart from NHS Test and Trace. While individuals with a positive test are encouraged to share the result with those they have been in close contact with so that they can take extra precautions, and there is nothing preventing the individual from sharing the result with their friends, you should not attempt to take on the role of contact tracers.

In the event of you or anybody informing you of a positive test result (following attendance at chapel or another group on the premises) please take the following steps:

1. Wait to be contacted by NHS Test and Trace.
2. Inform the 'responsible person' in the Church – (If you do wish to inform your friends please ask them not to panic and to wait for contact by NHS Test and Trace. We have been informed about a case at a Local Church where it was determined by NHS Test and Trace that other members of the congregation did not have to self-isolate because the premises were deemed to be COVID secure. Do not jump to conclusions but await the decision of NHS Test and Trace and act responsibly in the meantime to protect those who may be particularly vulnerable.)
3. Follow the directions of NHS Test and Trace once they have carried out their investigations. They will assess what follow up action needs to be taken e.g. whether anyone needs to self-isolate.
4. It would be appreciated if you could let TMCP Data Protection know of your experience to help develop guidance for your fellow Managing Trustees.
5. Check your Risk Assessment which will have identified as a risk that someone could test positive. What does the risk assessment advise to do in order to mitigate the risk to other individuals? Do you need to undertake a deep clean? Does the premises need to close temporarily?

The general idea is to do what you can to assist NHS Test and Trace and to avoid creating panic while giving people the information they need to ensure that appropriate steps are taken in accordance with your Risk Assessment and Action Plan pending a decision by NHS Test and Trace. Speak to your Local Council's public health team if you are unsure what steps you need to take.

Please also refer to [Section E](#) of TMCP's Test and Trace Focus Note for guidance on what to do if contacted by NHS Test and Trace.

If you have specific questions on your risk assessment and/or action plan then please speak with the [Connexional Property Support Team](#).

## **5. Because we run a café from our Local Church, do we actually need a QR code as this is different to a place or worship?**

As discussed above it is strongly recommended that Methodist buildings adhere to the new regulations as though they were a legal requirement and display NHS QR Codes in any event. However, the [Government's guidance](#) confirms that "Places of worship, including when the venue is used for events and other community activities, are not included in these regulations..." Pending further clarification from the Government, it follows that where Managing Trustees run something that is not a one-off event or "community activity" such as a church café or shop, this activity would fall under the scope of the regulations. This means that the requirements discussed under question 1 and 2 above are legal requirements and those refusing to provide contact details must be refused entry to the premises. Please also bear in mind the fines that can be imposed for breach of legal requirements. The new fines for non compliance are as follows:

- £1,000 fixed price penalty for the first offence;
- £2,000 fixed price penalty for the second offence;
- £3,000 fixed price penalty for the third offence; and
- £4,000 fixed price penalty for the fourth and subsequent offences.

The fines would be payable by the body with overall responsibility for the organisation, business or service. For a church run café that would be the Managing Trustees.

A full list of organisations within the scope of the new regulations is set out in [Annex A](#) of the Government's guidance "Maintaining records of staff, customers and visitors to support NHS Test and Trace".

If you are unsure whether a Local Church or third party activity falls under the places of worship exemption, please refer to your Local Authority and advise [TMCP Legal](#) and [Property Support](#) of the response you receive so that we can update our guidance accordingly. In many cases the decision will be particular to the local circumstances but there may be general trends that emerge which would be helpful to share with Managing Trustees across England and Wales.

## Guidance

There is a lot of guidance and resources available to help you to fulfil your duties in relation to Test and Trace. Links to the TMCP and Government guidance are set out below for ease of reference:

- ["Test and Trace", Data Protection and What you need to do Focus Note](#) – with a [Test and Trace Five Step Plan](#) for Managing Trustees to follow to keep the information in their record safe and compliant with data protection legislation.
- Template [Methodist Church Test and Trace Record](#) developed by TMCP and Property Support.
- [Methodist Church Test and Trace Record – Data Protection Poster](#)
- [Maintaining records of staff, customers and visitors to support NHS Test and Trace](#) – Guidance from the Government on how venues must help support NHS Test and Trace
- ["Create a coronavirus NHS QR code for your venue"](#) – Guidance on the NHS QR code system
- [NHS COVID-19 app support](#) - Guidance on the NHS COVID-19 app
- [NHS "Test and Trace" service](#) – Guidance from the NHS Test and Trace service.

Please continue to let us have your comments and suggestions so that we can take these on board in developing a record and process that is as helpful as possible for Managing Trustees and takes account of the responsibilities under data protection legislation. Please also contact [TMCP Data Protection](#) if you are contacted by NHS Test and Trace.

***Please contact [TMCP Data Protection](#) if you have any queries in relation to the data protection implications of the Test and Trace Record, [TMCP Legal](#) for guidance on using the Test and Trace Record and [Property Support](#) for guidance on risk assessments and opening our church buildings generally.***

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Trustees For Methodist Church Purposes  
Central Buildings, Oldham Street, Manchester, M1 1JQ

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Telephone: [0161 235 6770](tel:01612356770)

Fax: 0161 236 0752