

## CR24 - Privacy Policy and Procedure

Category: Care Management    Sub-category: Rights & Abuse

### Policy Review Sheet

**Last Reviewed:** 15/11/19

**Next planned review in 12 months, or sooner as required.**

**Note: The full policy change history is available in your online management system.**

Business Impact:	Low	Medium	High	Critical
		X		
Changes are important, but urgent implementation is not required, incorporate into your existing workflow.				

 <b>Reason for this review:</b>	Scheduled review
 <b>Were changes made?</b>	Yes
 <b>Summary:</b>	Updated to the new QCS Policy format. Some areas of the procedure have been updated to add further clarification. This policy will be subject to further review in preparation for the General Data Protection Regulations in May 2018.
 <b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>The Care Act 2014</li> <li>Equality Act 2010</li> <li>The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014</li> <li>Human Rights Act 1998</li> <li>Mental Capacity Act 2005</li> <li>Data Protection Act 2018</li> </ul>
 <b>Underpinning Knowledge - What have we used to ensure that the policy is current:</b>	<ul style="list-style-type: none"> <li>Skills for care, (2017), <i>Care Certificate</i>. [Online] Available from: <a href="http://www.skillsforcare.org.uk/Learning-development/Care-Certificate/Care-Certificate.aspx">http://www.skillsforcare.org.uk/Learning-development/Care-Certificate/Care-Certificate.aspx</a> [Accessed: 16/11/2017]</li> <li>Care Quality Commission, (2017), <i>Regulation 10: Dignity and respect</i>. [Online] Available from: <a href="http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-10-dignity-respect">http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-10-dignity-respect</a> [Accessed: 16/11/2017]</li> <li>Care Quality Commission, (2015), <i>Using hidden cameras to monitor care</i>. [Online] Available from: <a href="http://www.cqc.org.uk/news/stories/using-hidden-cameras-monitor-care">http://www.cqc.org.uk/news/stories/using-hidden-cameras-monitor-care</a> [Accessed: 16/11/2017]</li> <li>NICE, (2018), <i>Decision-making and mental capacity - Guidelines NG108</i>. [Online] Available from: <a href="https://www.nice.org.uk/guidance/ng108">https://www.nice.org.uk/guidance/ng108</a> [Accessed: 18/10/2018]</li> </ul>
 <b>Suggested action:</b>	<ul style="list-style-type: none"> <li>Notify relevant staff of changes to policy</li> <li>Notify all staff of changes to policy</li> <li>Discuss in team meetings</li> <li>Discuss in supervision sessions</li> <li>Confirm relevant staff understand the content of the policy</li> <li>Encourage sharing the policy through the use of the QCS App</li> </ul>

## CR24 - Privacy Policy and Procedure

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## CR24 - Privacy Policy and Procedure

### 1. Purpose

1.1 To support the human rights of the Service User and ensure Link Option Agency Services Ltd complies with legislation and regulation in relation to the privacy of individuals.

1.2 To support Link Option Agency Services Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Line of Enquiry (KLOE)
CARING	C3: How are people's privacy, dignity and independence respected and promoted?
RESPONSIVE	R1: How do people receive personalised care that is responsive to their needs?
WELL-LED	W1: Is there a clear vision and credible strategy to deliver high-quality care and support, and promote a positive culture that is person-centred, open, inclusive and empowering, which achieves good outcomes for people?

1.3 To meet the legal requirements of the regulated activities that Link Option Agency Services Ltd is registered to provide:

- The Care Act 2014
- Equality Act 2010
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Human Rights Act 1998
- Mental Capacity Act 2005
- Data Protection Act 2018

### 2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following people may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Family
- External health professionals
- Local Authority
- NHS

### 3. Objectives

3.1 To ensure the Service User's right to privacy is respected and that staff understand how they can deliver care and support that respects this right.

### 4. Policy

4.1 Link Option Agency Services Ltd recognises the right of Service Users to be left alone, undisturbed and free from intrusion. The Service User also has a right to privacy with regard to both their personal affairs and their belongings.

4.2 Staff will adhere to the human rights of individuals and work in accordance with professional codes of conduct and company policy and procedures. Intentional breaches of privacy will be investigated fully, and appropriate bodies informed and lessons learnt.

## CR24 - Privacy Policy and Procedure

### 5. Procedure

#### 5.1 Care Planing at the start of a service

- The needs of the Service User in relation to privacy will always be considered during the care planning stage to ensure that Link Option Agency Services Ltd can effectively meet the person's needs. This assessment should include what information about them can be shared and with whom
- Preferred Service User wishes must be communicated to other relevant staff at Link Option Agency Services Ltd
- The care planning process should be completed in a private area where the Service User can feel able to discuss areas of their care needs. This is particularly relevant if an assessment is taking place in a hospital or respite setting prior to discharge home

#### 5.2 Service User Rights

- The individual requirement for privacy will be respected at all times and all information relating to individuals will be treated in a confidential manner
- Link Option Agency Services Ltd recognises the right of Service Users to be left alone, undisturbed and free from intrusion and public attention. The Service User also has a right to privacy with regard to both their personal affairs and their belongings

#### 5.3 Staff Expectation, Behaviour and Professionalism

- Staff will follow professional codes of conduct as well as operational policies and procedures when considering privacy for Service Users. This includes all staff expectations around professionalism of communication
- Staff will only discuss Service Users in the work environment if it is for the purpose of assessment, management and evaluation of care
- Staff will not discuss any aspect of the Service User's care outside of the work environment

#### 5.4 Records Management

- Records will be designed, used and stored in a manner which assures privacy
- Records will be made available to the Service User's main Care Worker and family according to the wishes of the Service User
- Staff should refer to the Record Keeping Policy and Procedure for further information and guidance

#### 5.5 Personal Care and Privacy

- Particular attention will be given to preserving privacy in the use of bathrooms, toilets and when dressing and undressing. At the same time, health and safety and personal risk management will be considered and discussed
- Staff will ensure curtains/blinds are closed in order to ensure privacy during personal care and moving and handling
- Any personal and sensitive items that could be deemed as necessary care equipment (such as continence aids, catheters, dressings) should be kept out of view at all times to ensure that privacy is maintained
- Staff will always knock on the Service User's door and await a response before entering the room

#### 5.6 Photography and Filming

Staff should refer to the policies available with regard to privacy, photography, filming consent and the use of CCTV at Link Option Agency Services Ltd and to relevant CQC guidance.

#### 5.7 Breach in Privacy

- Any breach of the privacy of a Service User will be considered a serious event. The incident will be fully investigated in accordance with local procedures and evidence of any lessons learnt recorded, to ensure the risk of reoccurrence is reduced. Disciplinary action will be taken where the incident is considered to have been caused with intent
- Any environmental or equipment fault which reduces the privacy of any Service User must be reported to the manager
- Breaches of privacy of a serious nature will be referred to the local safeguarding board and a regulatory

## CR24 - Privacy Policy and Procedure

notification completed by The Agency manager or delegated other with the relevant skills, knowledge and experience

### 5.8 Training and Education

- Privacy forms part of the Care Certificate for care workers. New staff that have not already completed this will be expected to achieve this unit
- Staff will be expected to review their professional code of conduct and be aware of what this means in practice
- Privacy should form part of Link Option Agency Services Ltd's supervision process as well as staff and Service User meetings in order to review practice, seek feedback and determine quality assurance
- Staff will receive training on the Data Protection Act and associated regulations

### 5.9 Capacity and Privacy

The same rights of privacy apply to individuals who are proven to lack capacity, therefore staff should do the following:

- Establish any previously expressed views or wishes of the individual regarding privacy from family and others
- Observe Service User behaviours to identify what the preferences may be for that individual wishing to have privacy
- Continue to follow the core principles and practices as detailed within this policy, if deemed in the Service User's best interest to do so (in accordance with the Mental Capacity Act) when weighing up privacy. Refer to associated policies and procedures for further guidance



## 6. Definitions

### 6.1 Privacy

- In literal terms, privacy is defined as a state in which one is not observed or disturbed by other people or the state of being free from public attention

For the purposes of health and social care, privacy is very personal and means different things to different people. Therefore in order to respect people, privacy services need to be personalised as much as possible

### 6.2 Care Certificate

- The Care Certificate is a set of standards that social care and health workers stick to in their daily working life. It identifies the new minimum standards that should be covered as part of the induction training of new care workers

### 6.3 Human Rights

- Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted; for example, if a person breaks the law, or in the interests of national security

These basic rights are based on values like dignity, fairness, equality, respect and independence. But human rights are not just abstract concepts, they are defined and protected by law. In Britain our human rights are protected by the Human Rights Act 1998

## CR24 - Privacy Policy and Procedure

### Key Facts - Professionals

Professionals providing this service should be aware of the following:

- It is a fundamental right for everyone to have privacy and as professionals, your role is to promote and adhere to this right
- Your professional codes of conduct refer to your accountability in relation to supporting people with maintaining privacy
- The environment where Service Users are supported needs to accommodate the ability to promote privacy
- Any breach of a person's privacy is a serious event and will be fully investigated to ensure there is a period of learning, reflection and change in practice

### Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- You have full rights to privacy and staff will discuss what your wishes are around this and what that means for you
- Information about you will only be shared with your permission, or if you are unable to give permission when it is deemed to be in your best interest to do so
- Staff supporting you will respect your privacy wishes and support you in providing environments that are private

### Further Reading

As well as the information in the 'Underpinning Knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Many further reading resources combine best practice of privacy with dignity and respect, the following sites contain further information and guidance for health and social care professionals:

- SCIE - Dignity in Care: <https://www.scie.org.uk/publications/guides/guide15/factors/privacy/>
- Dignity in Care - Privacy: [https://www.dignityincare.org.uk/Resources/Respecting\\_dignity/Privacy/](https://www.dignityincare.org.uk/Resources/Respecting_dignity/Privacy/)

### Outstanding Practice

To be 'Outstanding' in this policy area you could provide evidence that:

- Staff follow the principles and practices of this policy
- Service Users are provided with an opportunity to feedback their experiences in relation to privacy in order for practice review and quality assurance
- Privacy forms a core agenda item for staff meetings, training and supervisions
- The wide understanding of the policy is enabled by proactive use of the QCS App