

## **PROCEDURES ON CONFIDENTIALITY**

### **OUTCOME 21, REGULATION 20 (Records)**

Name: Anonymous Care Ltd.

#### **Purpose of this Document**

The nature of confidentiality is such that clear definitions about the information that can be shared must be clear to all staff it cannot be assumed that people have the right to know personal information simply because they are family. This document sets out how Anonymous Care Ltd. intends to comply with the Data Protection Act 1998, and the Freedom of Information Act 2000 and all other related legislation.

This document summarises the procedures within Anonymous Care Ltd. for putting into operation its policy on confidentiality.

#### **Our Obligations**

The *Data Protection Act 1998*, the freedom of information act 2000, the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the sources of guidance mentioned in the policy all make reference to the obligation of organisations handling personal information to have sound policies and procedures covering confidentiality and related issues.

The Health and Social Care Act 2008 and the Regulations 2010 introduced a new Social Care Record Guarantee and that was issued in 2009 by the National Information Governance Board.

#### **Care Needs Assessments**

Staff who carry out assessments of the care needs of potential service users should consider carefully what parts of the information they learn in that process need to be recorded and to be communicated to the allocated care workers, and should complete the care needs assessment records accordingly.

Staff who participate in a review or reassessment of care needs, in making any changes in the service provided, or in discussing service changes with a local authority which is financing a service user's care should record and communicate only information relevant for that purpose.

## Care Workers

### Care workers should:

1. always treat information about service users with respect
2. never gossip about a service user or pass on information for other than professional reasons
3. pass to managers any relevant information they learn about a service user
4. share with colleagues relevant information about a service user with whom the colleague is also involved
5. summarise and pass information about a service user they are helping when they have to be replaced
6. pass information about a service user to another company only with the agreement of the service user, after discussion with a manager, or in an emergency when it is clearly in the interests of the service user or is necessary to prevent them or someone else from serious risk.

### Group Supervision

At times when individual service users are discussed in group supervision sessions between care workers and their supervisor, the following precautions regarding confidentiality should be observed.

1. Anyone relating information about a service user should do so with respect and only if there is no suitable alternative method of making a point or seeking advice.
2. Where possible the identity of the service user should be concealed by, for example, using a false name.
3. The supervisor should intervene to stop information being revealed if it appears inappropriate.
4. In particularly sensitive instances, a care worker may need to seek or a supervisor to offer a one-to-one session as an alternative forum for the discussion.

### Training Sessions

Similar precautions to those listed above for group supervision should be observed. It should indeed be possible to exercise even greater discretion since the need to produce material relating to an individual service user is usually less pressing and the range of staff participating in the training may present a greater threat to a service user's right to privacy. If trainers or others produce in advance of a session material based on a service user, details should always be substantially altered to disguise an individual's identity. In respect of training, it should always be made clear at the beginning of the training the importance of confidentiality and

the expectations of the trainer in respect of how that confidentiality will be maintained within the session.

### **Exceptional Breaches of Confidentiality**

There are very exceptional occasions on which it is necessary to breach a service user's confidentiality. These might include instances where a staff member learns that a criminal offence has or is likely to be committed, or the service user or someone else might be in imminent danger.

Faced with such a situation, a care worker should generally try to explain the situation to the service user and obtain their consent to disclose information. Failing that, they should consult the service user's representative if this is appropriate and, if possible, should speak with their manager or at least a colleague worker.

After the event, the care worker should always inform their supervisor or manager as soon as possible. It is then the responsibility of management to consider the particular circumstances, to decide whether there are lessons to be learned from the incident and to initiate any changes in information or instructions as a result.

### **Administrative Issues**

Managers in charge of office accommodation and equipment have a responsibility to:

1. provide and maintain lockable filing cabinets
2. review regularly the handling of service users' files to ensure information is seen only by staff with a need to know
3. arrange for service user data held on computers to be accessed only by authorised staff
4. site office machinery and provide shields for computer screens where necessary, so as to maximise the confidentiality of information on service users.

### **Support for Staff**

Management should keep the issue of confidentiality under review, and should ensure that care and other staff are adequately briefed, trained and supported through supervision to handle the issues that confidentiality poses.

### **Inappropriate Breaches of Confidentiality**

Supervisors and managers should consider action under the disciplinary procedure against staff who are involved in inappropriate breaches of confidentiality. Please refer to the Monitoring and Accountability Policy.

### **Review of this Procedure**

This procedure will be reviewed by John Smith not later than 30/09/2011.

Signed

Date: 01/10/2010

Review Date: 30/09/2011