

CR15 - Privacy Policy and Procedure

Category: Care Management Sub-category: Rights & Abuse







Policy Review Sheet

Last Reviewed: 29/08/18 Last Amended: 05/09/17

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			
Minimal action required circulate information amongst relevant parties.				

 Reason for this review:	Scheduled review
 Were changes made?	Yes
 Summary:	Updated to the new QCS Policy format. Some areas of the procedure have been updated to add further clarification.
 Relevant Legislation:	<ul style="list-style-type: none"> 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 Nursing and Midwifery Council (NMC) Legislation Data Protection Act 2018
 Underpinning Knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> Skills for care, (2017), <i>Care Certificate</i>. [Online] Available from: http://www.skillsforcare.org.uk/Learning-development/Care-Certificate/Care-Certificate.aspx [Accessed: 05/09/2017] Care Quality Commission, (2017), <i>Regulation 10: Dignity and respect</i>. [Online] Available from: http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-10-dignity-respect [Accessed: 05/09/2017] Care Quality Commission, (2015), <i>Using hidden cameras to monitor care</i>. [Online] Available from: http://www.cqc.org.uk/news/stories/using-hidden-cameras-monitor-care [Accessed: 05/09/2017] NICE, (2018), <i>Decision-making and mental capacity - Guidelines NG108</i>. [Online] Available from: https://www.nice.org.uk/guidance/ng108 [Accessed: 18/10/2018]
 Suggested action:	<ul style="list-style-type: none"> Notify relevant staff of changes to policy Notify all staff of changes to policy Discuss in team meetings Discuss in supervision sessions Confirm relevant staff understand the content of the policy Encourage sharing the policy through the use of the QCS App

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1. Purpose

1.1 To support the human rights of the Service User and ensure Westacre Nursing Home comply with legislation and regulation in relation to privacy of individuals.

1.2 To support Westacre Nursing Home in meeting the following Key Lines of Enquiry:

Key Question	Key Line of Enquiry (KLOE)
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
CARING	C1: How does the service ensure that people are treated with kindness, respect and compassion, and that they are given emotional support when needed?
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 Westacre Nursing Home 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
- Nursing and Midwifery Council (NMC) Legislation
- 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 reinforce the requirement, in accordance with professional codes of conduct, of the need to ensure privacy is maintained as per Service User wishes.

3.2 To provide clarity and standard practice recommendations to staff to enable adherence to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 10 by making sure that people have privacy when they need and want it.

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4. Policy

4.1 The organisation 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.

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.



5. Procedure

5.1 Pre-assessment

The needs of the Service User surrounding privacy will always be considered during the pre-assessment planning stage to ensure that Westacre Nursing Home can effectively meet the person's needs. This assessment should include what information about them can be shared and to whom.

Preferred Service User wishes must be communicated to other relevant staff at Westacre Nursing Home.

Where possible the pre-assessment process should be completed in a private area where the Service User can feel able to discuss areas of their care needs.

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.

The organisation 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 principal 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 Promoting a Private Environment

Service Users' personal rooms will have a lock fitted which is appropriate to their needs, and the Service User will be provided with a key unless a documented risk assessment indicates that this is contra-indicated. Decisions in this respect will be recorded in the Service User's Care Plan and signed as agreed by the Service User or their Advocate.

All Service Users will have access to a locked cabinet in their room, or to a locked cash box.

Service Users will always be offered privacy for personal discussions.

Temporary removable signage should be considered as a measure of good practice, to advise people if personal

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care is being delivered in a Service User's room.

5.6 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.

Screening and curtains will be used in shared rooms and public areas 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 public view at all times to ensure privacy is maintained.

Staff will always knock on Service User's doors and await a response before entering the room.

5.7 Photography and Filming

Staff should refer to the policies available with regard to privacy and photography, filming and the use of CCTV at Westacre Nursing Home and to relevant CQC guidance.

5.8 Breach in Privacy

Any breach in privacy of a Service User will be considered a serious event. The incident will be fully investigated in accordance with local procedures and evidence available of learning 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 building 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 regulatory notification completed by the the home manager or delegated other with the relevant skills, knowledge and experience.

5.9 Training and Education

Privacy forms part of the care certificate for health care support 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 the Westacre Nursing Home supervision process agenda as well as staff and Service User meetings in order to review practice, seek feedback and determine quality assurance.

5.10 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
- Service User behaviours should be observed to identify what 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 best interest to do so (in accordance with the Mental Capacity Act) when weighing up privacy and refer to associated policies and procedures for further guidance

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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 is the new minimum standards that should be covered as part of 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

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 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

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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/

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

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