



Review Sheet

Last Reviewed
12 Jan '22Last Amended
12 Jan '22Next Planned Review in 12 months, or
sooner as required.

Business impact	 <p>MEDIUM IMPACT</p> <p>Changes are important, but urgent implementation is not required, incorporate into your existing workflow.</p>
Reason for this review	Scheduled review
Were changes made?	Yes
Summary:	This policy details how the privacy of a service user can be maintained within a supported living environment. It has been reviewed with minor amendments made to reflect areas such as UK GDPR. Underpinning Knowledge and Further Reading links have also been reviewed and updated to ensure they remain current.
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 • UK GDPR
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> • Author: NHS Digital, (2022), <i>Data Security and Protection Toolkit</i>. [Online] Available from: https://www.dsptoolkit.nhs.uk/ [Accessed: 12/1/2022] • Author: CARE QUALITY COMMISSION, (2015), <i>Housing with care: Guidance on regulated activities for providers of supported living and extra care housing</i>. [Online] Available from: https://www.cqc.org.uk/sites/default/files/20151023_provider_guidance-housing_with_care.pdf [Accessed: 12/1/2022] • Author: Care Quality Commission, (2015), <i>Using hidden cameras to monitor care</i>. [Online] Available from: https://www.cqc.org.uk/news/stories/using-hidden-cameras-monitor-care [Accessed: 12/1/2022] • Author: Skills for Care, (2017), <i>Care Certificate</i>. [Online] Available from: https://www.skillsforcare.org.uk/Learning-development/inducting-staff/care-certificate/Care-Certificate.aspx [Accessed: 12/1/2022] • Author: Information Commissioner's Office, (2019), <i>Guide to UK General Data Protection Regulation (UK GDPR)</i>. [Online] Available from: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/ [Accessed: 12/1/2022] • Author: Care Quality Commission, (2021), <i>Regulation 10: Dignity and respect</i>. [Online] Available from: https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-10-dignity-respect [Accessed: 12/1/2022]
Suggested action:	<ul style="list-style-type: none"> • Encourage sharing the policy through the use of the QCS App • Share 'Key Facts' with all staff • Ensure relevant staff are aware of the content of the whole policy
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written report that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality



1. Purpose

1.1 To support the human rights of the Client and ensure that Compassionate Care & Support Ltd complies with legislation and regulation in relation to the privacy of individuals.

1.2 This policy covers the day to day considerations of ensuring privacy whilst supporting Clients. This policy should be read in conjunction with the suite of associated policies and procedures at Compassionate Care & Support Ltd, such as UK GDPR, in relation to data protection information sharing.

1.3 To support Compassionate Care & Support Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
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?
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
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?

1.4 To meet the legal requirements of the regulated activities that {Compassionate Care & Support 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
- Nursing and Midwifery Council (NMC) Legislation
- Data Protection Act 2018
- UK GDPR



2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Clients may be affected by this policy:

- Clients

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, for the need to ensure that privacy is maintained as per the Client's wishes.

3.2 To provide clarity and standard practice recommendations to staff at Compassionate Care & Support Ltd to ensure sure that Clients have dignity and privacy when they need and want it. This policy is fully aligned to:

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

Regulation 10: Dignity and Respect

3.3 To ensure that Clients', Employee and Stakeholders' Personal Data and information is treated with the same level of protection around privacy.



4. Policy

4.1 Compassionate Care & Support Ltd recognises the right of Clients to be left alone, undisturbed and free from intrusion and public attention.

The Client also has a right to privacy with regard to both their personal affairs, data and their belongings.

4.2 Staff will adhere to the human rights of individuals and work in accordance with professional codes of conduct, Information Commissioner's Office guidance, UK GDPR and Data Protection Policies and Procedures at Compassionate Care & Support Ltd.

Intentional breaches of privacy will be investigated fully with appropriate bodies informed and lessons learnt.



5. Procedure

5.1 Assessment

The needs of the Client surrounding privacy will always be considered during the assessment stage to ensure that Compassionate Care & Support Ltd can effectively meet the person's needs

This assessment should include the information about them that can be shared and with whom. This includes the Client providing formal consent to share information. Where capacity is an issue, the principles of the Mental Capacity Act and associated Best Interest will be followed

Preferred Client wishes must be communicated to other relevant staff at Compassionate Care & Support Ltd

Where possible, the assessment process should be completed in a private area where the Client can feel able to discuss areas of their care needs

5.2 Client Rights

Client choices in relation to privacy will be respected at all times and all information relating to them will be treated in a confidential manner

Compassionate Care & Support Ltd recognises the right of Clients to be left alone, undisturbed and free from intrusion and public attention. The Client also has a right to privacy with regard to personal data and both personal affairs and belongings

5.3 Staff Expectation, Behaviour and Professionalism

Staff will follow professional codes of conduct as well as the policies and procedures at Compassionate Care & Support Ltd when considering privacy for Clients

Staff will only discuss Clients in the work environment if it is for the purpose of assessment, management and evaluation of Support

Staff will not discuss any aspect of the Client's Support outside of the work environment

5.4 Records Management

Records will be designed, used and stored in a manner which assures privacy

Records will only be made available to the Client's family and principal Support Worker according to the wishes of the Client or if information requests fulfil the legal requirements for doing so

Staff can refer to the Record Keeping Policy and Procedure for further information and guidance

Information sharing with appropriate health professionals will be done so in line with UK GDPR and Data Protection Policies and Procedures at Compassionate Care & Support Ltd

5.5 Promoting a Private Environment

Clients will be offered a safe space, such as a personal room within Compassionate Care & Support Ltd, which will provide a private environment free from other Clients

The Client's personal room will have a lock fitted which is appropriate to their needs and the Client will be provided with a key unless a documented risk assessment indicates that this is contraindicated.

Decisions in this respect will be recorded in the Client's Care Plan and signed as agreed by the Client or their advocate

All Clients will have access to a locked cabinet in their room, or to a locked cash box

All Clients will be made aware of their private environment and be given a copy of the Service User Guide, to support safe space practices at Compassionate Care & Support Ltd

Clients 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 care is being delivered in a Client's room

5.6 Safe Space Practices

To support the Client's private environment and promote safe spaces within Compassionate Care & Support Ltd, measures that could be adopted include:

Use of signage, such as 'Do Not Enter'

Exit management techniques (line of tape on the floor to indicate no entry)



Locking of doors when not in the private environment

Any safe space practices must only be conducted with the consent of the Client whose private environment may be affected, and after being risk assessed.

5.7 Personal Care and Privacy

Particular attention will be given to preserving privacy in the use of bathrooms, toilets and when supporting any aspect of personal care. 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) must be kept out of public view at all times to ensure that privacy is maintained

Staff will always knock on Clients' doors and await a response before entering the room

5.8 Photography and Filming

Staff can refer to the policies available with regard to privacy and photography, filming and the use of CCTV at Compassionate Care & Support Ltd and to relevant CQC guidance.

5.9 Breach in Privacy

Any breach in the privacy of a Client will be considered a serious event. The incident will be fully investigated in accordance with UK GDPR, Data Protection Policies and Procedures at Compassionate Care & Support Ltd and there will be evidence available about what has been learnt to ensure that 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 Client must be reported immediately to a senior member of staff

Breaches of privacy of a serious nature will be referred to the local Safeguarding Board and appropriate regulatory bodies' notifications will be completed by Miss Sharron Burgess or a delegated other who has the relevant skills, knowledge and experience

5.10 Training and Education

Privacy forms part of the Care Certificate for healthcare support workers. New staff who 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

Training will be given with regards to UK GDPR and Data security and Protection

Privacy will form part of the supervision process agenda at Compassionate Care & Support Ltd as well as staff and Client meetings in order to review practice, seek feedback and determine quality assurance

5.11 Capacity and Privacy

The same rights of privacy apply to individuals who are proven to lack capacity. Therefore, staff will do the following:

Establish any previously expressed views or wishes of the individual regarding privacy from family and others

Client behaviours will be observed 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 it is deemed to be in the best interests of the Client to do so (in accordance with the Mental Capacity Act) when weighing up privacy and 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 identifies a set of standards that social care and health workers follow. It describes the minimum standards that should be covered as part of the induction and 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

6.4 Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights in the public interest

This covers the following legislation:

- Data Protection Act
- Freedom of Information Act
- Privacy and Electronic Communications Regulations
- General Data Protection Regulation (UK GDPR)
- Environmental Information Regulations
- INSPIRE Regulations
- eIDAS Regulation
- Re-use of Public Sector Information Regulations
- NIS Regulations
- Investigatory Powers Act



Key Facts - Professionals

Professionals providing this service should be aware of the following:

Any breach of a person's privacy is a serious event and will be fully investigated to ensure that there is a period of learning, reflection and change in practice

The environment where Clients are supported needs to accommodate the ability to promote privacy

Your professional codes of conduct refer to your accountability in relation to supporting people with maintaining privacy

It is a fundamental right for everyone to have privacy and, as professionals, your role is to promote and adhere to this right



Key Facts - People affected by the service

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

You have full rights to privacy. 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, including from other Clients



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 privacy best practice 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 - Getting the Basics Right:

https://www.dignityincare.org.uk/Resources/Useful_resources_for_Dignity_Champions/Dignity_Map/getting_the_basi

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:

Clients 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

Staff follow the principles and practices of this policy



Forms

Currently there is no form attached to this policy.