



Review Sheet



Last Reviewed
05 Apr '24



Last Amended
05 Apr '24



Next Planned Review in 12 months, or
sooner as required.

Business impact



Minimal action required circulate information amongst relevant parties.

Reason for this review

Scheduled review

Were changes made?

Yes

Summary:

This Privacy Policy and Procedure provides guidance and support on the measures and requirements in place. This policy has been reviewed with no significant changes. Underpinning knowledge and further reading reference links have also been checked and updated.

Relevant legislation:

- 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:

- Author: Skills for Care, (2024), *Care Certificate*. [Online] Available from: <https://www.skillsforcare.org.uk/Learning-development/inducting-staff/care-certificate/Care-Certificate.aspx> [Accessed: 5/4/2024]
- Author: Care Quality Commission, (2023), *Regulation 10: Dignity and respect*. [Online] Available from: <https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-10-dignity-respect> [Accessed: 5/4/2024]
- Author: Information Commissioners Office, (2021), *Guide to the UK General Data Protection Regulation (UK GDPR)*. [Online] Available from: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/> [Accessed: 5/4/2024]

Suggested action:

- Encourage sharing the policy through the use of the QCS App

Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record 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 law.



1. Purpose

1.1 To support the human rights of the Service User and ensure that Alternative House Care Home 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 Service Users. This policy should be read in conjunction with the suite of person-centred and rights policies and procedures as well as data protection and security.

1.3 To support Alternative House Care Home in meeting the following Key Lines of Enquiry/Quality Statements (New):

Key Question	Key Lines of Enquiry	Quality Statements (New)
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?	QSC1: Kindness, compassion and dignity
CARING	C3: How are people's privacy, dignity and independence respected and promoted?	QSC1: Kindness, compassion and dignity QSC3: Independence, choice and control
RESPONSIVE	R1: How do people receive personalised care that is responsive to their needs?	QSR1: Person-centred care
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?	QSS3: Safeguarding
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?	QSW1: Shared direction and culture QSW2: Capable, compassionate and inclusive leaders

1.4 To meet the legal requirements of the regulated activities that Alternative House Care 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
- | UK GDPR



2. Scope

- 2.1** The following roles may be affected by this policy:
- | All staff
- 2.2** The following Service Users 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, for the need to ensure that privacy is maintained as per the Service User's 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 (as amended): Regulation 10 by making sure that people have privacy when they need and want it.



4. Policy

- 4.1** Alternative House Care Home 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 ensure that the human rights of individuals are upheld 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.
- 4.3** Alternative House Care Home will ensure assessment is person centred and reflects the wishes and preferences of Service Users in relation to their privacy and what it means to them.



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 Alternative House Care Home can effectively meet the person's needs
- | The assessment should include information about the Service User that can be shared and with whom it can be shared
- | Preferred Service User wishes must be communicated to other relevant staff at Alternative House Care Home
- | Where possible, the pre-assessment process must be completed in a private area where the Service User can feel able to discuss areas of their care needs freely

5.2 Service User Rights

- | Service User choices about their privacy will be respected at all times and all information relating to the Service User will be treated in a confidential manner
- | Alternative House Care Home 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 in both their personal affairs and in relation to their belongings

5.3 Staff Expectation, Behaviour and Professionalism

- | Staff will follow professional codes of conduct as well as the policies and procedures at Alternative House Care Home when considering privacy for Service Users
- | 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 can refer to the Record Keeping Policy and Procedure for further information and guidance
- | All personal information will be recorded, stored and disposed of in line with data protection laws

5.5 Promoting a Private Environment

- | The Service User's personal room 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 contraindicated. 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. Where applicable, best interest decisions will be made following the Mental Capacity Act 2005 and related code
- | 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 will be considered as a measure of good practice, to advise people if personal 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 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 may 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



Alternative House Care Home

548 Preston Old Road, Blackburn, Lancashire, BB2 5NL

- | Where clothing is removed to assist the Service User with personal care, modesty draping should always be used to respect the individual's privacy and dignity
- | Staff will always knock on Service Users' doors and await a response before entering the room
- | Staff should be sensitive to matters of age, disability, marriage and civil partnership, gender reassignment, race, religion or belief and sex when undertaking personal care tasks. They should ensure that these protected characteristics are fully understood and that any personal wishes related to them are fully respected

5.7 Photography and Filming

Staff can refer to the policies available with regard to privacy and photography, filming and the use of CCTV at Alternative House Care Home and to relevant CQC guidance.

5.8 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. Disciplinary action will be taken where the incident is considered to have been caused with intent
- | Breaches of privacy of a serious nature will be referred to the local Safeguarding Board and a regulatory notification will be completed by Kate Blyth or a delegated other who has the relevant skills, knowledge and experience
- | Any building or equipment fault which reduces the privacy of any Service User must be reported immediately to a senior member of staff
- | Breaches of privacy will be recorded, investigated and reported. Where lessons are learned, changes are introduced to mitigate and eliminate the risk of reoccurrence
- | Where a Service User has breached the privacy of another Service User, Kate Blyth will ensure appropriate action is taken following a review of the circumstances of the incident
- | Safeguarding policies and procedures will be followed where there are safeguarding concerns relating to privacy incidents

5.9 Training and Education

- | Privacy forms part of the Care Certificate for health care 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
- | Privacy will form part of the supervision process agenda at Alternative House Care Home 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 assessed as lacking capacity. Therefore, staff must do the following:

- | Establish any previously expressed views or wishes of the individual regarding privacy from family and others
- | Service User behaviours must 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 deemed to be in the best interests of the Service User 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



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. 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:

National Dignity Council: The 10 Dignity Do's:

https://www.dignityincare.org.uk/About/The_10_Point_Dignity_Challenge/

SCIE: Privacy and Dignity in Care:

<https://www.scie.org.uk/dignity/care/privacy>

Nurses.co.uk: How we should manage privacy protection in our care homes:

<https://www.nurses.co.uk/nursing/blog/how-we-should-manage-privacy-protection-in-our-care-homes/>



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



Forms

Currently there is no form attached to this policy.