Holly Court Care Ltd

19 Confidentiality of People Receiving Care - Information Policy

Policy Statement

Holly Court Care Ltd and its staff has a duty of confidentiality to its residents. The service regards this as being of the utmost importance and key to building trusting, caring relationships, where people who use the service are safe in the knowledge that their confidences will be kept and where information about them will be protected.

The service's policy is that all the information we receive about or from people using the service is confidential, and that only those people who need to know the information will have access to it. The service will always seek the written permission of its users prior to sharing personal information about them with anyone else.

The service complies with Care Quality Commission (CQC) regulations and guidance, which requires the registered manager of a service to make sure that people know that information about them is handled appropriately, and that their confidences are kept.

The service seeks to comply with the following requirements.

- To have effective systems for keeping confidential information safe and secure (Regulation 17(1)(a)).
- To keep all sensitive information confidential such as in the handling of complaints, (Regulation 16(2)) and in the exercise of a duty of candour (Regulation 20(2)).
- To share information with people and agencies outside the service on a strict "need-to-know" basis.
- To have information governance systems that comply fully with data protection laws (Regulation 17(2)(c)).

Values and Principles

The service adopts the Caldicott principles of confidentiality, which were developed for health services and are equally applicable to social care. These are:

- the purpose(s) for using confidential information must be justified
- confidential information should only be used when absolutely necessary
- the minimum information that is required should be used
- access to confidential information should be on a strict need-to-know basis
- everyone must understand their responsibilities to treat information confidentially

- everyone must understand and comply with the laws, particularly those on data protection
- the duty to share personal information can be as important as the duty to have regard for patient confidentiality.

In applying these principles, the care service will follow these rules.

1. We treat all information about people who use the service confidentially and respectfully.
2. We share our information when needed so that the person receives safe and effective care.
3. If we publish information about people who use the service it will always be on an anonymous basis.
4. We will respect the right of people to object to any sharing of their personal information.
5. We apply these rules and rights to people without capacity to give their consent to any sharing or disclosure of their personal information for whom best interests decisions might need to be taken.

Procedures

To comply with this policy staff must:

- store securely all files or written information of a confidential nature (eg in a locked filing cabinet or using strong password protected computer files)
- only access this information if they have a need and a right to access it
- wherever practical or reasonable, fill in all care records and individual's notes in the presence of and with the co-operation of the individual concerned
- ensure that all care records and individual's notes, including care plans, are signed and dated.

Situations can arise which give rise to exceptions to this duty, where confidential information may relate to harm to other people who use the service or harm to the person sharing the confidence. In such circumstances, the service expects staff to report the information to a senior member of staff for further consideration.

In such circumstances:

- the relevant person will be informed of the service's position and full details will be discussed with the person who uses the service

- appropriate notes will be made in the individual's plan, and these notes will be open to inspection by the person using the service
- the information will only be given to those who absolutely need to know and wider issues of confidentiality of that information will still apply
- the individual will be free to make a complaint through the service's complaints procedure if they consider that the information held about them has not been treated in the confidential manner they should expect.

Initial Assessment Policy

New people to the service or people considering using the service are shown a copy of the statement below, and have it explained to them and their representatives so that they can understand it as fully as possible and sign it.

Every effort is made by staff to ensure that people who use the service fully understand the implications of the policy. The member of staff carrying out the assessment will ensure that the new people to the service understand and have read the following statement.

"To help us make an assessment of your needs, we will need to ask you for personal information about your circumstances and to record this information. We will not share this information with anyone, including friends and relatives, without your agreement (unless they have legal authority as guardian or attorney) and it will be kept in a confidential file which will be kept securely.

Only care staff with permission to see the file will be able to access it. Care staff will record in the file on a daily basis information relevant to your care and will pass on information relevant to your day-to-day care to your key worker or to whoever is in charge of each shift.

You may have access to your notes at any time to see what is actually being recorded. It is the care service's policy that all the information we receive about or from people who use the service is confidential and that only those people who need to know the information will have access to it.

Holly Court Care Ltd will always ask your permission before we share with anyone else the information you have given us.

In certain circumstances, however, we may need to share information in your best interests and may do so to fulfil our duty of care to you to keep you safe from risk of harm by following the procedures that are set out in the service's safeguarding policy."

Signed (person using the service/lawful representative): _____

Countersigned (manager/representative): _____

Date: _____

Requests for Information

The service will not provide information to relatives, spouses, friends or advocates without the consent of the individual concerned. If the person is unable to give their consent, a decision will be taken in line with "best interests" procedures set by the Mental Capacity Act 2005.

All enquiries for information, even if they are from close relatives, should be referred back to the person using the service, or their permission sought before disclosure. If the relative or person who seeks to have access to this information objects to the decision, they will be asked to make a formal written complaint, which will be addressed through the service's complaints procedure.

The service is also often asked for reports by insurance companies, solicitors, employers, etc. Before providing these reports, we shall require written consent from the individual concerned and will never divulge information without consent unless obliged to by law.

Record Keeping

We keep files on all our people who use the service but only keep relevant information to ensure that the care we offer as an organisation is of the highest quality. The files are only available to staff who need to use them. We keep very personal letters or notes securely.

This service makes sure that:

- records required for the protection of people who use the service, and for the effective and efficient running of the service are maintained, are up to date and are accurate
- people who use the service have access to their records and information about them held by the service, as well as opportunities to help maintain their personal records
- individual records and care service records are kept in a secure fashion, are up to date and in good order, and are constructed, maintained and used in line with the General Data Protection Regulation and the Data Protection Act 2018 and other statutory requirements.

The service adheres fully to the current standards on record keeping, while recognising the importance of responsible information sharing to enable a person to receive safe and effective care from the responsible sharing of information, particularly in emergencies such as occurred during the Covid-19 pandemic.

The service considers that access to information and security and privacy of data is an absolute right of every person who uses the service, and that they are entitled to see a copy of all personal information held about them and to correct any error or omission in it.

The care service will ensure the confidentiality of all information covered by the GDPR and Data Protection Act 2018.

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Training

1. New staff are required to read and understand the policies on data protection and confidentiality as part of their induction.
2. All staff receive training on confidentiality, data protection and access to records' policies.
3. Training in the correct method for entering information in individual's records is given to all care staff.
4. The nominated data user/data controller for the service is trained appropriately in the GDPR and Data Protection Act 2018.
5. All staff who use the computer system are thoroughly trained in its use, including data security.

Review

Signed:	R Baillie
Date:	27/11/23
Policy review date:	26/11/24