



consummate
care
(uk) limited

CONFIDENTIALITY OF SERVICE USERS POLICY

Updated

13.04.2021

Policy Statement

This care service works on the principle that it has a duty of confidentiality to its service users. The service regards this as being of the utmost importance and a key part in building a trusting, caring environment where service users are safe in the knowledge that their confidences will be kept and where information about them will be protected safely. It is the service's policy that all the information we receive about or from service users 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 guidance, which requires the registered manager of a service to make sure that service users know that information about them is handled appropriately, and that their confidences are kept.

Procedures

To comply with this policy staff must:

- a. ensure that all files or written information of a confidential nature are stored in a secure manner in a locked filing cabinet and are only accessed by staff who have a need and a right to access them (see also the policy on Record Keeping).
- b. wherever practical or reasonable fill in all care records and service users' notes in the presence of and with the co-operation of the service user concerned.
- c. ensure that all care records and service users' notes, including care plans, are signed and dated.

Rare situations may arise which give rise to exceptions to this duty where confidential information may relate to harm to other service users or harm to the person sharing the confidence. In such circumstances the service reserves the right for staff to break their duty of confidentiality and to take the information to a senior member of staff.

In such rare circumstances:

- a. the relevant service user will be informed of the service's position and full details will be discussed with the service user.
- b. appropriate notes will be made in the service user plan and these notes will be open to inspection by the service user.
- c. the information will only be given to those who absolutely need to know and wider issues of confidentiality of that information will still apply.

- d. the service user will be free to make a complaint through the service's complaints procedure if he or she considers that the information held about them has not been treated in the confidential manner they should expect.

Initial Assessment Policy

New service users and prospective service users 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 service users fully understand the implications of the policy. The member of staff performing the assessment is expected to ensure that the new service user understands and has 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 in a locked filing cabinet.

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 agency's policy that all the information we receive about or from service users is confidential and that only those people who need to know the information will have access to it.

The agency 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."

Requests for Information

The service will not provide information to relatives, spouses, friends or advocates without the consent of the individual service user 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 service user or the service user's 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 service user concerned and will never divulge information without consent unless obliged to by law.

Record Keeping

We keep files on all our service users 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 in a secure place.

This service makes sure that:

- a. records required for the protection of service users and for the effective and efficient running of the service are maintained, are up to date and are accurate.
- b. service users have access to their records and information about them held by the service, as well as opportunities to help maintain their personal records.
- c. 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 accordance with the Data Protection Act 1998 and other statutory requirements.

The service adheres fully to the current standards on record keeping as set by the Care Quality Commission.

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

Under the Data Protection Act 2018 the service should have a nominated data user/data controller.

The data user/data controller for this service is:

Alan Pitcher
Care Manager

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 are offered training to national occupational standards covering basic information about confidentiality, data protection and access to records.
3. Training in the correct method for entering information in service users' records is given to all care staff.
4. The nominated data user/data controller for the service is trained appropriately in the Data Protection Act 2018.
5. All staff who use the computer system are thoroughly trained in its use.

Signed:	
Job Title / Position:	Care Manager
Date:	13 th April 2021
Next Policy Review Date:	13th April 2022