



Review Sheet



Last Reviewed
23 Feb '24



Last Amended
23 Feb '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 sets out the systems and process with regards to privacy. It has been reviewed with no significant changes. References and further reading links have 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
- Data Protection Act 2018
- UK GDPR

Underpinning knowledge - What have we used to ensure that the policy is current:

- Author: Information Commissioner's Office, (2024), *UK GDPR guidance and resources*. [Online] Available from: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/> [Accessed: 23/2/2024]
- Author: Skills for care, (2024), *Care Certificate*. [Online] Available from: <https://www.skillsforcare.org.uk/Learning-development/Care-Certificate/Care-Certificate.aspx> [Accessed: 23/2/2024]
- 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: 23/2/2024]
- Author: Care Quality Commission, (2023), *Using cameras or other recording equipment to check somebody's care*. [Online] Available from: <https://www.cqc.org.uk/contact-us/report-concern/using-cameras-or-other-recording-equipment-check-somebodys-care> [Accessed: 23/2/2024]
- Author: NHS Digital, (2024), *Data Security and Protection Toolkit*. [Online] Available from: <https://www.dsptoolkit.nhs.uk/> [Accessed: 23/2/2024]

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 Oasis Care & Training Agency 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 associated policies and procedures at Oasis Care & Training Agency such as UK GDPR in relation to data protection information sharing.

1.3 To support Oasis Care & Training Agency 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 Oasis Care & Training Agency 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
- ┆ 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, to ensure that privacy is maintained as per the Service User's wishes.
- 3.2** To provide clarity and standard practice recommendations to staff at Oasis Care & Training Agency to ensure that Service Users have dignity and privacy when they need and want it. This policy is fully aligned with:
- | Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
 - | Regulation 10: Dignity and Respect
- 3.3** To ensure that Service Users', employees' and stakeholders' personal data and information is treated with the same level of protection around privacy.



4. Policy

- 4.1** Oasis Care & Training Agency 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 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, the Information Commissioner's Office (ICO) guidance, UK GDPR and Data Protection Policies and Procedures at Oasis Care & Training Agency.
- Intentional breaches of privacy will be fully investigated with appropriate bodies informed and lessons learnt.



5. Procedure

5.1 Care Planning at the Start of a Service

- | The needs of the Service User regarding privacy will always be considered during the care planning stage to ensure that Oasis Care & Training Agency can effectively meet the person's needs
- | This assessment will include what information about them can be shared and with whom. This includes the Service User providing formal consent to share information. Where capacity is an issue, the principles of the Mental Capacity Act and associated best interest guidance will be followed
- | Preferred Service User wishes must be communicated to other relevant staff at Oasis Care & Training Agency
- | Where possible, the care planning process will be completed in a private area where the Service User can feel able to discuss areas of their care needs. This is particularly relevant if an assessment is taking place in a hospital or respite setting prior to discharge home

5.2 Service User Rights

- | Service User choices in relation to privacy will be respected at all times and all information relating to them will be treated in a confidential manner
- | Oasis Care & Training Agency 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 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 operational policies and procedures at Oasis Care & Training Agency 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 only be made available to the Service User's family and main Care Worker according to the wishes of the Service User 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 in line with UK GDPR and Data Protection Policies and Procedures at Oasis Care & Training Agency

5.5 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
- | Staff will ensure, with Service User consent, that curtains/blinds/doors are closed in order to ensure privacy during personal care and moving and handling
- | Any personal and sensitive items that may be deemed necessary such as care equipment (for example continence aids, catheters, dressings) will be kept out of view at all times to ensure that privacy is maintained
- | Staff will always knock on the Service User's door and await a response before entering the room. Privacy will be respected around the Service User's home at all times

5.6 Photography and Filming

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

5.7 Breach in Privacy

- | Any breach in the privacy of a Service User will be considered a serious event. The incident will be fully investigated in accordance with UK GDPR, Data Protection Policies and Procedures at Oasis Care &

Training Agency 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 environmental or equipment fault which reduces the privacy of any Service User must be reported to the Registered Manager or senior member of staff
- | Breaches of privacy of a serious nature will be referred to the local Safeguarding Board and appropriate regulatory body notifications will be completed by Registered Manager or delegated other, who has the relevant skills, knowledge and experience

5.8 Training and Education

- | Privacy forms part of the Care Certificate for care 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 regard to UK GDPR and Data Security and Protection
- | Privacy will form part of the supervision process agenda at Oasis Care & Training Agency as well as at staff and Service User meetings in order to review practice, seek feedback and determine quality assurance

5.9 Capacity and Privacy

The same rights of privacy apply to individuals who are proven to lack capacity, therefore staff must do the following:

- | Establish any previously expressed views or wishes of the individual regarding privacy from family and others
- | Observe Service User behaviours 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. Refer to associated policies and procedures for further guidance



6. Definitions

6.1 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

6.2 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

6.3 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

6.4 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 training of new care workers



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 there is a period of learning, reflection and change in practice
- | The environment where Service Users 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:

- 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
- You have full rights to privacy. Staff will discuss what your wishes are around this and what that means for you
- 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:

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:

Dignity in Care - Getting the Basics Right:

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

Dignity in Care - Privacy:

https://www.dignityincare.org.uk/Resources/Respecting_dignity/Privacy/

NICE Guidelines: Home Care - delivering personal care and practical support to older people living in their own homes:

<https://www.nice.org.uk/guidance/ng21/chapter/Recommendations>



Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- The wide understanding of the policy is enabled by proactive use of the QCS App
- Regular audits take place that review the privacy practices at Oasis Care & Training Agency
- Privacy forms a core agenda item for staff meetings, training and supervisions
- Service Users are provided with an opportunity to feedback their experiences in relation to privacy in order for practice review and quality assurance
- Staff follow the principles and practices of this policy



Forms

Currently there is no form attached to this policy.