



Review Sheet		
 Last Reviewed 27 May '21	 Last Amended 27 May '21	 Next 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 the day to day considerations of ensuring the privacy of service users. It has been reviewed and specific mention of protected characteristics in relation to personal care, privacy draping and data protection law have been added. References have been updated and an additional reference has been added to the Further Reading section.	
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: 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: 27/5/2021] • Author: Care Quality Commission, (2018), <i>Regulation 10: Dignity and respect</i>. [Online] Available from: https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-10-dignity-respect [Accessed: 27/5/2021] • Author: CQC, (2020), <i>Technology in care</i>. [Online] Available from: https://www.cqc.org.uk/guidance-providers/all-services/technology-care [Accessed: 27/5/2021] • Author: Information Commissioners Office, (2021), <i>Guide to the 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: 27/5/2021] 	
Suggested action:	<ul style="list-style-type: none"> • 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 Person using the Service and ensure that Elreg House Limited 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 Person using the Services. 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 Elreg House Limited 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 {Elreg House Limited} 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 Person using the Services may be affected by this policy:

- | Person using the Services

2.3 The following stakeholders may be affected by this policy:

- | Family
- | External health professionals
- | Local Authority
- | NHS



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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 Person using the Service'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: Regulation 10 by making sure that people have privacy when they need and want it.



4. Policy

4.1 Elreg House Limited recognises the right of Person using the Services to be left alone, undisturbed and free from intrusion and public attention. The Person using the Service 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.



5. Procedure

5.1 Pre-assessment

- | The needs of the Person using the Service surrounding privacy will always be considered during the pre-assessment planning stage to ensure that Elreg House Limited can effectively meet the person's needs
- | The assessment should include information about the Person using the Service that can be shared and with whom it can be shared
- | Preferred Person using the Service wishes must be communicated to other relevant staff at Elreg House Limited
- | Where possible, the pre-assessment process must be completed in a private area where the Person using the Service can feel able to discuss areas of their care needs freely

5.2 Person using the Service Rights

- | Person using the Service choices about their privacy will be respected at all times and all information relating to the Person using the Service will be treated in a confidential manner
- | Elreg House Limited recognises the right of Person using the Services to be left alone, undisturbed and free from intrusion and public attention. The Person using the Service 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 Elreg House Limited when considering privacy for Person using the Services
- | Staff will only discuss Person using the Services 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 Person using the Service'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 Person using the Service's principal Care Worker and family according to the wishes of the Person using the Service
- | 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 Person using the Service's personal room will have a lock fitted which is appropriate to their needs, and the Person using the Service 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 Person using the Service's Care Plan and signed as agreed by the Person using the Service or their advocate
- | All Person using the Services will have access to a locked cabinet in their room, or to a locked cash box
- | Person using the Services 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 Person using the Service'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



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- | Where clothing is removed to assist the Person using the Service with personal care, modesty draping should always be used to respect the individual's privacy and dignity
- | Staff will always knock on Person using the Services' 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 Elreg House Limited and to relevant CQC guidance.

5.8 Breach in Privacy

- | Any breach of the privacy of a Person using the Service 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 Ms Angelina D'Alessio or a delegated other who has the relevant skills, knowledge and experience
- | Any building or equipment fault which reduces the privacy of any Person using the Service 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

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 Elreg House Limited as well as staff and Person using the Service 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
- | Person using the Service 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 Person using the Service 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 Person using the Services 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: 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
- | Person using the Services 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.