




Review Sheet		
Last Reviewed 25 Aug '21	Last Amended 25 Aug '21	Next Planned Review in 12 months, or sooner as required.
Business impact	 <p>Minimal action required circulate information amongst relevant parties.</p> <p>LOW IMPACT</p>	
Reason for this review	Scheduled review	
Were changes made?	Yes	
Summary:	Policy to detail the expectations of the service with regard to the promotion of privacy in how care and support is provided. Policy also provides detail on the management of relationships, interactions and personal information. Policy reviewed with minor changes to wording, and additional references included to support policy content.	
Relevant legislation:	<ul style="list-style-type: none"> • Regulation and Inspection of Social Care (Wales) Act 2016 • Equality Act 2010 • Human Rights Act 1998 • Mental Capacity Act 2005 • Nursing and Midwifery Council (NMC) Legislation • Data Protection Act 2018 • The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 	
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> • Author: My Home Life Cymru, (2011), <i>Maintaining identity in a care home environment</i>. [Online] Available from: http://myhomelife.org.uk/wp-content/uploads/2014/11/MHL-CYMRU-MAINTAINING-IDENTITY.pdf [Accessed: 25/8/2021] • Author: Social Care Wales, (2020), <i>Codes of Practice and guidance</i>. [Online] Available from: https://socialcare.wales/fitness-to-practise/codes-of-practice-and-guidance [Accessed: 25/8/2021] • Author: NICE, (2018), <i>Decision-making and mental capacity - Guidelines NG108</i>. [Online] Available from: https://www.nice.org.uk/guidance/ng108 [Accessed: 25/8/2021] • Author: Information Commissioner's Office, (2021), <i>Report a breach</i>. [Online] Available from: https://ico.org.uk/for-organisations/report-a-breach/#GDPR [Accessed: 25/8/2021] 	
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 Individual and ensure that Mayflower Care Home complies with legislation and regulation in relation to the privacy of individuals.

1.2 To support Mayflower Care Home in meeting the following Lines of Enquiry:

Theme	Lines of Enquiry
Care-and-Support	CS3: Standards of care and support
Leadership-and-Management	LM13: Culture

1.3 To meet the legal requirements of the regulated activities that {Mayflower Care Home} is registered to provide:

- | Regulation and Inspection of Social Care (Wales) Act 2016
- | Equality Act 2010
- | Human Rights Act 1998
- | Mental Capacity Act 2005
- | Nursing and Midwifery Council (NMC) Legislation
- | Data Protection Act 2018
- | The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018



2. Scope

2.1 The following roles may be affected by this policy:

- | All staff

2.2 The following Individuals may be affected by this policy:

- | Individuals

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 privacy is maintained as per Individuals' wishes.

3.2 To provide clarity and standard practice recommendations to staff to enable adherence to the Regulation and Inspection of Social Care Wales Act 2016.



4. Policy

4.1 Mayflower Care Home recognises the right of Individuals to be left alone, undisturbed and free from intrusion and public attention. The Individual also has a right to privacy with regards to both their personal affairs and their belongings.

4.2 Staff will adhere to the human rights of individuals 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 privacy needs of the Individual will always be considered during the pre-assessment planning stage to ensure that Mayflower Care Home can effectively meet the Individual's needs. This assessment will include the information about the Individual that can be shared and with whom it can be shared. Individual wishes must be communicated to other relevant staff at Mayflower Care Home.

Where possible, the pre-assessment process must be completed in a private area where the Individual can feel able to discuss areas of their care needs.

5.2 Individual Rights

The individual requirement for privacy will be respected at all times and all information relating to individuals will be treated in a confidential manner.

Mayflower Care Home recognises the right of Individuals to have their private and family life respected and to live their life undisturbed and free from intrusion and public attention. The Individual also has a right to privacy with regard to both their personal affairs and their belongings.

5.3 Staff Expectation, Behaviour and Professionalism

Staff will follow professional codes of conduct as well as Mayflower Care Home policies and procedures when considering privacy for Individuals.

Staff will only discuss Individuals 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 Individual's care outside of the work environment.

5.4 Records Management

Records will be designed, used, shared and stored in a manner which assures compliance with the Data Protection Act.

Records will be made available to the Individual's principal Carer and family according to the wishes of the Individual.

Staff should refer to the Record Keeping Policy and Procedure for further information and guidance.

5.5 Promoting a Private Environment

Individuals' personal rooms will have a lock fitted which is appropriate to their needs, and the Individual 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 Individual's Personal Plan and signed as agreed by the Individual or their Advocate.

All Individuals will have access to a locked cabinet in their room, or to a locked cash box.

Individuals will always be offered privacy for personal discussions.

Temporary removable signage should be considered as a measure of good practice, to advise people if personal care is being delivered in a Individual's room.

5.6 Personal Care and Privacy

Care staff will always support Individual in a person centred manner.

Particular attention will be given to preserving privacy in the use of bathrooms, toilets and when dressing and undressing. 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 could be deemed as necessary care equipment (such as continence aids, catheters, dressings) must be kept out of public view at all times to ensure privacy is maintained.

Staff will always knock on the Individual's door and await a response before entering the room.

5.7 Photography and Filming

Staff must refer to the policies available with regard to privacy and photography, filming and the use of CCTV at Mayflower Care Home and to relevant C.I.W. guidance.

5.8 Breach in Privacy

Any breach in privacy of a Individual will be considered a serious event. The incident will be fully investigated in accordance with local procedures and evidence of learning will be available to ensure the risk of reoccurrence is reduced. Disciplinary action will be taken where the incident is considered to have been caused with intent.

Any building or equipment fault which reduces the privacy of any Individual must be reported to the manager.

Breaches of privacy of a serious nature will be referred to the local safeguarding board and a regulatory



notification completed by Estelle Noble or delegated other with the relevant skills, knowledge and experience.

Where a serious breach of data security has occurred the Information Commissioner's Office (ICO) will be informed, and all policies relevant to data protection followed.

5.9 Training and Education

Training should take a human rights-based approach with the need to promote privacy included.

Staff will be expected to review their professional codes of conduct and be aware of what this means in practice.

Privacy should form part of Mayflower Care Home supervision process agenda as well as forming part of staff and Individual 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 proven to lack capacity, therefore staff should:

- 1 Establish any previously expressed views or wishes of the individual regarding privacy from family and others
- 1 Observe Individual behaviours to identify what their preferences might be in relation to privacy wishes
- 1 Continue to follow the core principles and practices as detailed within this policy, and by referring to the Mental Capacity Act and Code of Practice



6. Definitions

6.1 Privacy

- 1 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 Human Rights

- 1 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:

- 1 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
- 1 It is a fundamental right for everyone to have privacy and, as professionals, your role is to promote and adhere to this right
- 1 Your professional codes of conduct refer to your accountability in relation to supporting people with maintaining privacy
- 1 The environment where Individuals are supported needs to accommodate the ability to promote privacy



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- 1 Staff supporting you will respect your privacy wishes and support you in providing environments that are private
- 1 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
- 1 You have full rights to privacy and staff will discuss what your wishes are around this what that means for you



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 regarding privacy with dignity and respect. The following sites contain further information and guidance for health and social care professionals:

SCIE - Dignity in Care:

<https://www.scie.org.uk/publications/guides/guide15/factors/privacy/>

Dignity in Care - Privacy:

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

The Senses Framework: improving care for older people through a relationship-centred approach.

Getting research into Practice (G.R.i.P) Report No.2

<http://shura.shu.ac.uk/280/>



Outstanding Practice

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

- 1 The wide understanding of the policy is enabled by proactive use of the QCS App
- 1 Staff follow the principles and practices of this policy
- 1 Privacy forms a core agenda item for staff meetings, training and supervisions
- 1 Individuals are provided with an opportunity to feedback their experiences in relation to privacy in order for practice review and quality assurance



Forms

Currently there is no form attached to this policy.