



 **Review Sheet**




Last Reviewed
21 Sep '20



Last Amended
21 Sep '20



Next Planned Review in 12 months, or
sooner as required.

<p>Business impact</p>	 <p>MEDIUM IMPACT</p> <p>Changes are important, but urgent implementation is not required, incorporate into your existing workflow.</p>
<p>Reason for this review</p>	<p>Scheduled review</p>
<p>Were changes made?</p>	<p>Yes</p>
<p>Summary:</p>	<p>This policy provides guidance for staff about the importance of supporting the wishes of service users with regards to privacy. It has been reviewed with minimal changes. References and links have been checked and remain current.</p>
<p>Relevant legislation:</p>	<ul style="list-style-type: none"> • Equality Act 2010 • Human Rights Act 1998 • Adults with Incapacity (Scotland) Act, 2000 • Adult Support and Protection (Scotland) Act, 2007 • The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 • Data Protection Act 2018
<p>Underpinning knowledge - What have we used to ensure that the policy is current:</p>	<ul style="list-style-type: none"> • Author: Care Inspectorate, (2017), <i>Health and Social Care Standards. My Support, My Life</i>. [Online] Available from: [Accessed:] • Author: Mental Welfare Commission For Scotland, (2013), <i>Good Practice Guide - Carers and confidentiality</i>. [Online] Available from: https://www.mwscot.org.uk/sites/default/files/2019-06/2018_update_carers_confidentiality_final_draft_16_oct_2018.pdf [Accessed: 21/9/2020]
<p>Suggested action:</p>	<ul style="list-style-type: none"> • Encourage sharing the policy through the use of the QCS App
<p>Equality Impact Assessment:</p>	<p>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.</p>



1. Purpose

1.1 To support the human rights of the Service User and ensure ScotNursing & Medical Services Limited complies with legislation and regulation in relation to the privacy of individuals.

1.2 To meet the legal requirements of the regulated activities that ScotNursing & Medical Services Limited is registered to provide:

- | Equality Act 2010
- | Human Rights Act 1998
- | Adults with Incapacity (Scotland) Act, 2000
- | Adult Support and Protection (Scotland) Act, 2007
- | The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011
- | Data Protection Act 2018



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 ensure the Service User's right to privacy is respected and that staff understand how they can deliver care and support that respects this right.



4. Policy

4.1 ScotNursing & Medical Services Limited recognises the right of Service Users to be left alone, undisturbed and free from intrusion. The Service User also has a right to privacy with regard 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 Personal Planing at the Start of a Service

- | The needs of the Service User in relation to privacy will always be considered during the Personal Planing stage to ensure that ScotNursing & Medical Services Limited can effectively meet the person's needs. This assessment must include what information about them can be shared and with whom
- | Preferred Service User wishes must be communicated to other relevant staff at ScotNursing & Medical Services Limited
- | The Personal Planing process should 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

- | The individual requirement for privacy will be respected at all times and all information relating to individuals will be treated in a confidential manner
- | ScotNursing & Medical Services Limited 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 both their personal affairs and their belongings

5.3 Staff Expectation, Behaviour and Professionalism

- | Staff will follow professional codes of conduct as well as operational policies and procedures 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 be made available to the Service User's main Carer and family according to the wishes of the Service User
- | Staff should refer to the Record Keeping Policy and Procedure for further information and guidance

5.5 Personal Care and Privacy

- | 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
- | Staff will ensure curtains/blinds are closed 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) 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

5.6 Photography and Filming

Staff will refer to the policies available with regard to privacy, photography, filming consent and the use of CCTV.

5.7 Breach in Privacy

- | Any breach of the privacy of a Service User will be considered a serious event. The incident will be fully investigated in accordance with local procedures and evidence of any lessons learnt recorded, 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 environmental or equipment fault which reduces the privacy of any Service User must be reported to the manager



- | Breaches of privacy of a serious nature will be referred to the local Adults Social Services Team and a Regulatory Notification completed by ScotNursing & Medical Services Limited manager or delegated other with the relevant skills, knowledge and experience

5.8 Training and Education

- | Privacy will form part of Induction for Care workers
- | 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 at ScotNursing & Medical Services Limited, as well as staff and Service User meetings in order to review practice, seek feedback and determine quality assurance
- | Staff will receive training on the Data Protection Act and associated regulations

5.9 Capacity and Privacy

The same rights of privacy apply to individuals who are proven to lack capacity, therefore staff should 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, working in accordance with the Adults with Incapacity (Scotland) Act when required when weighing up privacy



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 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 Service Users 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:

- 1 You have full rights to privacy and staff will discuss what your wishes are around this and what that means for you
- 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 If you require intimate personal care this is carried out in a dignified way, with your privacy and personal preferences respected



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 site contains further information and guidance for health and social care professionals:

Dignity in Care - Privacy: https://www.dignityincare.org.uk/Resources/Respecting_dignity/Privacy/



Excellent Practice

To demonstrate Excellence in this policy area ensure that:

- 1 Staff follow the principles and practices of this policy
- 1 Service Users are provided with an opportunity to feedback their experiences in relation to privacy in order for practice review and quality assurance
- 1 Privacy forms a core agenda item for staff meetings, training and supervisions
- 1 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.