

CONFIDENTIALITY

WORK MANUAL

Confidentiality

Work through this manual and answer the questions at the end returning to your team leader as soon as possible discussing any issues arising

What does confidentiality means to you?

Example: - *confidentiality means - being entrusted with or holding information (both written and verbal) and giving it only to the right people at the right time in the right place*

- respecting the privacy of personally disclosed information when permission has not been given to share it
- the entrusting of information
- includes written and verbal confidentiality

What ways can confidentiality be breached?

- not putting case notes away
- discussing matters in a public place
- not checking identification
- giving part information and thinking that is acceptable e.g. not naming but disclosing all the other information
- talking in front of visitors

Can you think of any other ways?

How would they feel if someone disclosed confidential information about you?

Why is maintaining confidentiality important?

- uphold clients rights
- professional approach
- establishes trust
- supports choice
- preserves respect for the client and self esteem

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When can confidentiality be overruled?

- client has broken the Law
- information if withheld could put others at risk
- information suggests the client is in danger - from self or others
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Activity 1 - keeping information confidential

Read through the situations and decide

- (1) Does this information need to be shared and why?
- (2) Would you break confidentiality with the client if they gave you this information and then asked you not to share it?
- (3) Does it fall into the overrule category?

1. Mr S. is a 26-year-old client confined to a wheelchair following a road traffic accident. While you are helping him to wash you notice that he has cigarette burns on his thighs. In response to your questions he becomes very distressed and tells you that his wife burnt him on purpose and because of his disability he is unable to stop her. He asks you not to tell anyone

2. Mrs W. is a 54-year-old client who is terminally ill with cancer. While you are helping her write a letter she tells you to inform her friend that 'she will not be here long'. You query the comment and Mrs W tells you that she has got some tablets and plans to take them soon and is preparing her friend for the event. She begs you not to tell anyone

3. Mr R. is a 70-year-old client who requires help with washing and dressing shopping and meals because he is depressed he tends to neglect himself. The doctor thinks there may be an underlying reason but all attempts to find out why Mr R is depressed have been ineffective. Over several weeks you have managed to build up a good relationship with him. He is reading the paper today and points to an article about someone famous dying of Aids 'that's what's the matter with me' he says 'don't tell anyone will you?'

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Contacting other Organisations

Who are you when you contact other organisations?

If you contact other organisations on behalf of a client you do so as a representative of the organisation who employs you or deploys you as a volunteer. This means that the way you handle the contact reflects on your organisation. More importantly than this when you contact an organisation on behalf of a client you are also likely to commit your organisation - there is a risk of committing them in a way that they do not wish to be committed. Let's look at two examples of this in the following two activities

Gaining Permission to contact other services

Imagine you are a care assistant employed by Social Services working for a client with Alzheimer's disease and his wife. Both you and his wife feel the need for occasional 'night sitting You ring Elder Care Services to ask them if they can help

What would be the likely result?

You probably wouldn't be very popular with your employers for doing this. A service level agreement like this has to be managed. An agreed number of hours of service a year have been bought and a Social Service Department cannot afford to let what they have purchased be spent in a haphazard way. Any decision would have to be made by whoever manages the contract for Social Services. In addition by ringing up Elder Service direct you would have given them a poor impression of your employer i.e. they might think that your employers don't brief their staff properly on the correct procedures for contacting other organisations.

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Activity - Hazards in contacting other organisations

Read the following case study and then put yourself in the position of Cerise's manager

What advice would you give Cerise about dealing with this kind of situation in the future?

Cerise is a domiciliary care assistant. One of her clients felt that she needed much more extensive home nursing services than could be supplied by the Health Authority and asked for Cerise's help in contacting a private nursing organisation. Cerise obtained brochures from 3 local organisations but recommended one of them on the grounds that another client of hers was very satisfied with the service given. Cerise and the client discussed the cost of the service and Cerise satisfied herself that the client could afford the fee. The client opted for the organisation and asked a representative to call. Later the client complained to Cerise's manager that the organisation recommended by Cerise had been unsatisfactory and overpriced.

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Much trouble can be avoided by keeping a supervisor informed of what was going on. However the purpose of keeping superiors informed of what is going on is not just to avoid trouble. It is mainly to make sure that what you and the client are doing fits into an overall plan of care.

Because we work with information received from clients or from other sources the way we deal with it will have a major implications for our relationships with our clients. That is, if information is used carelessly or inappropriately clients are likely to have little trust in or respect for staff. They may feel betrayed used and devalued - not worthy of the privacy and respect they would normally expect to enjoy. Failure to handle information carefully, sensitively and appropriately can therefore have very damaging consequences.

It follows then that it is important for us to be clear about the dos and don'ts of information so that a lack of confidentiality does not cause problems for our clients our employers and ourselves

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Activity Answers - Keeping information confidential

(1) Yes this information needs to be shared the client is in danger and therefore falls into the overrule category to break confidentiality with a client.

Explain it is something you must report to you supervisor but reassure him that the situation will be handled sensitively and that his wife needs help too. Be a good listener and reassure.

(2) Yes this information needs to be shared because they are both at risk

(3) Yes this information should be shared with the client because the client is in danger

If someone seriously wanted to kill himself or herself it could be argued that why did they tell you, it could be it is a cry for help? You must explain to the client the position she has put you in and it is something you have to report.

(4) It is not information you should share at this point - however this may be the underlying reason for his depression. It would be important to talk with the client to find out whether his doctor knows he has Aids or whether it is something the client thinks he has and if not encourage him to talk with his doctor. Give the client information about Aids if you feel he is misinformed. Monitor the situation.

Answer - Contacting other Organisations

Had we been Cerise's manager we would have given her the following advice where private sector suppliers are concerned:

(1) By all means help the client to obtain details about organisations including if necessary, giving the client telephone numbers and brochures...

(2)...but never recommend an organisation. If you recommend an organisation you imply that your employer is recommending the organisation. If the organisation turns out not to be satisfactory then the reputation of your own organisation is undermined as well. In addition recommending a particular private sector organisation may give rise to the suspicion that you are being bribed to do so.

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There may be occasions when you want to warn a client not to use a particular private organisation. Try to avoid doing this explicitly because this may give the impression that you are being paid to do so by another one and because if they find out they may well complain about it.

(4) As far as possible distance yourself from the decision. Say things like ‘these are the organisations which provide this service but the decision is up to you’ or ‘ I can tell you which organisations there are but my job doesn’t allow me to go as far as recommending one’. And where possible get the client or a relative to make the actual arrangements.

(5) Always keep your supervisor informed about what you are doing. The advice would be equally valid with regards to private residential homes or nursing homes, private chiropodists, funeral parlours, solicitors, painters and decorators and so on.

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Confidentiality Questions

1. Ideas about what is private or secret can be very individual therefore you should treat all information confidentially.

True[] or False []

3. When can care workers overrule confidentiality?

4. You have a legal and moral responsibility to keep information about the people in your care confidential.

True [] or false []

5. What is the procedure regarding confidentiality in your work place if a member breaches confidentiality by unnecessarily passing on information about a service user?

6. Why is it important to maintain confidentiality of your clients?

7. What is your organisation's policy on Confidentiality?

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The organisation's policy re: Confidentiality of Information (see staff handbook)

The client's rights to confidentiality must be safeguarded. The care worker will not disclose any personal information about clients to a third party unless this has been agreed with the client concerned confidentiality.

Professional Standards

- Records made by the worker are accurate and legible and only contain the information necessary for the record's purpose.
- Confidential information is handled securely and stored in the correct place.
- Information stored in and retrieved from recording systems is consistent with the requirements of legislation and organisational policy.
- Information is only disclosed to those who have the right and a need to know about it consistent with the workers role and proof of identity has been obtained.
- When someone tells the worker something which the worker is required to share with others the person is told in a clear and appropriate manner that the information may need to be shared with others

Information which the worker is required to share might include: - indicators of health and social well-being of the person who told the worker is at risk; the person is indicating symptoms of ill health which need to be acted on and are in their plan of care; indicators of abuse; information which directly affects the organisation and its effectiveness.

- The appropriate precautions are taken when communicating confidential or sensitive information to those who have the right and need to know (*appropriate precautions in relation to who might hear or oversee the information or who might access it*)
- Appropriate methods for maintaining confidentiality are adopted in public places
- Support is sought by the worker when it appears that information is being misused

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Confidentiality of Information

The first thing to remember is that information about an individual is their information and access to it is restricted.

The competent carer should be active – not passive S/he should take positive action to keep information confidential and not sit idly by whilst others break the rules of confidentiality. There is not much point in scrupulously observing the rules at work, if the staff gossip in the pub or the coffee shop and break all the rules there. The need to maintain confidentiality extends way beyond the workplace into all parts of your life. For example how much do you tell your partner about what goes on at work and where do you tell him/her. Also not only your own actions but also you might need to do something more positively to stop someone else behaving inappropriately. An additional consideration when working with people with a learning disability is that clients can be quite careless about information concerning them and disclose it inappropriately to people. However such behaviour is not restricted to clients. As a carer you should not be passive in matters relating to confidentiality. You must take an active role in ensuring that your colleagues and clients understand the importance of confidentiality.

The second important point is that every staff member should know whom to go to ask for advice and support on how to handle questions of confidentiality. Many people have claimed in the past ‘I have a right to know – often when it is information about someone else and they do not have a right at all. They may well feel they need to know but that is very different from a right. Such rights should be clearly understood and protected. The need to know principle is a well-established way of assessing whether or not to pass on a piece of confidential information. The difficulty in practice is forming a consistent shared view amongst the staff team on who needs to know what. Inconsistency of approach is a great problem here and can result in potentially dangerous situations. E.g. there may be a problem if all staff are not aware that a client is a diabetic. The need to know principle may also override all other considerations. You should never promise to keep secret without adding the warning that you might need to tell someone else depending on what the secret is and asking if your informant still wants to share the secret under those circumstances. This not only applies to clients but colleagues too.

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Confidentiality of Information

There are a number of Acts of parliament which have a direct bearing on the way information relating to individuals is handled and stored. They form a legal framework within which you work. The most important of these are:

- The Data protection Act 1984
- Access to Medical records act 1988
- Access to Health Records Act 1990

Data Protection Act

The most important single aspect of this Act to remember is that it covers personal data about an individual person of any age called 'data subject' stored in a computer by someone called a 'data user'. The Act provides that data shall:

- Be held fairly and lawfully
- Be held for one or more specified purposes
- Not be held or disclosed in a manner incompatible with those purposes
- Be adequate relevant and not excessive in relation to those purposes
- Be accurate and kept up to date
- Not be held for longer than is necessary for those purposes

Access to Medical Records Act

The purpose of this Act was to give individuals a right of access to any medical report about themselves provided by any medical practitioner for employment or insurance purposes.

Access to Health Records Act

The intention of this act was to give individuals the right of access to their own health records in order to provide for the correction of inaccurate records. It excludes records covered by the Data protection Act.

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Confidentiality of Information – Activities

1) You are in the pub or coffee shop when a colleague starts to talk to another member of staff about a particular client and then begins to discuss the client's family background and medical history

What if anything should you do?

2) Joe has learnt that Ben's brother has just been arrested for assault. Joe tends to discuss 'news' loudly wherever he is and you are taking both clients to the pub this evening

What do you do?

3) One of your clients says that a member of staff had 3 pints of beer at a pub last night and then drove 2 clients back to the home

What do you say? What do you do?

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CONFIDENTIALITY OF INFORMATION

- **Information about an individual is their information**
- **And access is restricted**
- **You should be active not passive**
- **The need to maintain confidentiality extends beyond the workplace**
- **You should know who to go to for support and advice**
- **The need to know principle is a well established way**
- **Form a consistent shared view amongst staff**
- **Never promise to keep secret without adding the warning that you might need to tell someone else depending on what the secret is**

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Confidentiality

Answers

1. Ideas about what is private or secret can be very individual therefore you should treat all information confidentially.

True[] or False []

2. When can care workers overrule confidentiality?

A. When the client has broken the law; the client is putting others in danger; the client is in danger; the client gives consent to you to share the information.

3. You have a legal and moral responsibility to keep information about the people in your care confidential.

True [] or false []

4. What is the procedure regarding confidentiality in your work place if a member breaches confidentiality by unnecessarily passing on information about a service user?

A. Disciplinary procedure followed

6. Why is it important to maintain confidentiality of clients?

*A. Prevents exploitation; **establishes a trusting relationship**; promotes respect upholds a clients rights; preserves dignity and self esteem*

7. What is your organisation's policy on Confidentiality?

A. The carer should read the company policy and answer questions to show the team leader they understand it