

PRIVACY, DIGNITY AND CONFIDENTIALITY

PURPOSE

The purpose of the policy is to ensure that the privacy, dignity and confidentiality of service users are respected and implemented at all times.

POLICY

Meditech Staffing recognises and respects the right of every service user to privacy, dignity and confidentiality in all aspects of life and is committed to the principles of privacy as described in the Australian Privacy Principles and the Privacy Act 1988.

Meditech Staffing recognises its statutory obligations and will maintain the confidentiality of a service user and will not release information about any person without first obtaining written consent from the person or that person's guardian. The exceptions to this rule would be where information is required by medical or emergency services to ensure the safety and wellbeing of a service user where he/she is unable to give consent and the guardian is unable to be contacted. Information may also be disclosed against the person's wishes if legislation requires such information, if information is subpoenaed for court proceedings, or in a matter of overriding public interest such as a service user telling a staff member that a regular visitor is assaulting him/her. While the service user should be consulted about the issue, it is clearly important that the information be made available.

Meditech Staffing will at initial consultations inform service users as to the type of information that may be collected and retained that pertains to them and how Meditech Staffing will utilise that information.

Meditech Staffing will grant a person's request to access his/her personal records and any other information relating to him/her that may be kept by Meditech Staffing.

Where the service user is responsible for his/her own decisions and choices Meditech Staffing will ensure that information about the service user is not passed on to families without consent.

Meditech Staffing will ensure that when providing statistics about its operation in annual reports and when reporting to government departments or funding bodies (e.g., Minimum Data Set collection), service users will be informed and consent gained from them where required. Meditech Staffing will ensure that service users remain anonymous and will not be identified in any such reports.

Meditech Staffing will normally keep records of service users for a period of seven years. Non-current records in the person's file will be transferred to the Archival File. Meditech Staffing will archive all non-current records.

SCOPE

This policy applies to all employees of Meditech Staffing, service users, as well as their families, guardians and advocates.

DEFINITIONS

- **Privacy:** refers to a service user being free from intrusion or disturbance in their private life or affairs.
- **Dignity:** refers to conduct or speech which is indicative of respect and/or appreciation of an occasion or situation experienced by a service user.
- **Confidentiality:** refers to having the trust or confidence of a service user and being entrusted with their secrets, personal information or private affairs. It means that such information must not be disclosed to unauthorised people without the informed consent of the person or their guardian.

PROCEDURE

1. Prior to commencing a service at Meditech Staffing, service users and their family/guardian will be advised by the Manager/Coordinator that Meditech Staffing will be developing and maintaining a file that will contain personal information about that person. The Manager/Coordinator will ensure that the service users and/or their guardians are aware of the type of information that will be collected and stored by Meditech Staffing and what that information will be used for. The information collected will be relevant to service delivery only. The Assessment Information Checklist must be used as part of this process.
2. The Manager/Coordinator must advise service users and/or their guardians that they may view the file and any other information held by Meditech Staffing that is specific to that person. Such information may be viewed at a time convenient to both the service user and the representative from Meditech Staffing. The service user or that person's guardian can request that any such information that is demonstrably inaccurate or misleading, be amended as appropriate or removed from the file.
3. Prior to commencing duty at any service operated by Meditech Staffing, staff must sign a confidentiality statement (as included in a Code of Conduct or an employment contract) that they will not breach the confidentiality for the service users or the organisation.

4. All documentation that is related to the personal issues of service users including personal files, service agreements, physical charts, individual/care plans etc must be kept in a secure location. This documentation must not be left on desks, bookshelves, or any other location where unauthorised persons may have access.
5. Service users are to be given the opportunity to place information and relevant personal notes into their own file. The service users are to be encouraged to complete charts and other information gathering forms with the appropriate support from staff.
6. Staff will not provide information of service users to families without the consent of the service users.

ATTACHMENT 1

GENERAL ISSUES

All staff at Meditech Staffing must follow these guidelines when providing assistance to service users:

1. Staff must address service users in a respectful and age appropriate manner. (E.g. adult service users are not to be referred to as though they were children).
2. Staff must avoid at all times any language which devalues the service users.
3. Staff are to avoid discussing issues relating to service users with others unless such discussions are in an appropriate forum, such as:
 - A planning meeting
 - Clinical review meetings
 - Professional consultations
 - Supervision sessions
4. Staff must not discuss issues relating to service users in front of the person unless that person is actively involved in the discussion.
5. Staff must not discuss any confidential information about service users:
 - With unauthorised staff
 - With staff from other services without the consent of the service users or their guardians
 - With other service users
 - In public
 - In a location where that conversation may be overheard by unauthorised persons
6. Staff must only provide a level of assistance to a service user that allows that person to complete a task successfully. Staff members are to encourage the service users to develop

skills that will allow them to function as independently as possible in as many areas of daily living as possible.

7. Managers/Coordinators are to ensure that service users are offered training and support so that they can maintain their own privacy, dignity and confidentiality.
8. Staff must plan in advance for the privacy and dignity of service users when on outings, attending social functions, on holidays, and when that person is attending other activities external to the service.
9. When applicable and/or when requested Meditech Staffing staff will provide the service users with the appropriate assistance and encouragement to acquire and maintain their own personal property.

ATTACHMENT 2

PERSONAL CARE

1. Staff must respect the wishes of service users and/or their guardians in relation to gender, religious and cultural issues. For example, issues raised about the gender match of staff to service users are to be considered in the recruiting and rostering process to ensure that appropriate staff members are on duty to assist an individual service user with their personal care needs.
2. Where a service user requests that staff assist with an aspect of personal care, staff are to provide support to meet the level of need of that person.
3. When staff members are attending to the personal needs of a service user they are to give their full attention to that person. Unless additional support is required, this support is to be given on a one to one basis. The staff member is not to interact with other people while assisting a person with their personal care. Examples of this are:
 - There is to be only one staff member and one service user in the bathroom at any one time unless that person requires additional support due to physical or behavioural issues
 - Where staff members assist a service user to dress, direct contact with other people at this time is inappropriate unless approved by the service user. There is to be only one staff member and one service user in the bedroom at any one time unless that person requires additional support due to physical or behavioural issues.

RELATIONSHIPS AND SEXUALITY

1. Staff members are to respect and support the rights of service users to form relationships of their choosing and to express their sexuality within the context of the lifestyle choices of that person and with regard to mainstream community expectations of a non-disabled person.
2. Staff will respect the privacy of the service user and that person's choice with regards to sexuality and relationship issues.
3. Meditech Staffing will provide the service users with support and education to allow that person to make informed choices with regard to forming relationships and other lifestyle choices.

ATTACHMENT 3

DOCUMENTATION AND PROFESSIONAL MEETINGS

1. The Manager/Coordinator or delegated staff member is to ensure that the service user's file contains only personal information about a service user that is required in the day-to-day provision of service to that person (keeping in mind duty of care and safety issues). All non-current or non-essential information should be culled to the Archival File on a regular basis (at least 12 monthly) to preserve the confidentiality and privacy of the individual person. All records must be relevant, objective and accurate.
2. Current service user files whilst being secured away from public scrutiny should be stored in such a manner as to still allow staff ready access to them and to allow the service users (where capable) to access files containing their personal information.
3. The Archival Files should be stored preferably in a locked cupboard/filing cabinet on Meditech Staffing premises where keyed access to information is only available with the permission of the Manager/Coordinator or delegated staff member. If this arrangement is not possible, the manager should determine a secure alternative to ensure confidentiality is maintained.
4. Staff must at all times seek the consent of the service users and/or their guardian prior to the release of any information about that person.
5. Staff are permitted to raise issues relating to service users that are appropriate and relevant in the context of professional supervision, debriefing or personal counselling.
6. The Manager/Coordinator is responsible for regularly (at least 12 monthly) reviewing a service with regard to its adherence to the above procedures, identifying problems and assisting staff to address any identified problems.

7. The Manager/Coordinator is responsible for ensuring that staff members receive adequate training in Meditech Staffing' policies and procedures and other relevant service delivery areas.
8. Students on placement with Meditech Staffing may only access files with the consent of the service user or his/her legal guardian. Students are required to provide a written undertaking that they will maintain confidentiality at all times and only use non-identifying information. The confidentiality agreement should specify what the information will be used for and that any written compositions containing the information will be approved by the service manager.
9. Records are not to be removed from the premises of Meditech Staffing except where prior agreement has been reached due to those service types where staff members in the course of their duties do not normally or regularly access a Meditech Staffing office. Other exceptions may apply in the circumstances outlined in the Documentation and Record Keeping Policy and Procedure.
10. Records and documents relating to service users are to be kept in a standardised format as detailed in the Documentation and Record Keeping Policy and Procedure.

ATTACHMENT 4

PROTECTING DIGNITY IN GROUP ENVIRONMENTS

1. In properties leased/owned and operated by Meditech Staffing (e.g. Group Home services), all areas of that service that may be accessed by service users to carry out activities of daily living are to be designed and furnished in such a way as to respect the privacy, dignity and confidentiality of the service users, including:
 - The bathroom, toilet, and other areas accessed by the service users for personal activities such as hygiene or dressing are to have doors that can be locked from the inside. There may be occasions where it is necessary to fit a lock that can be activated from both sides of the door to ensure the safety of the service users and staff
 - All windows in a person's bedroom, bathroom, toilet and general activity areas are to have a means of preventing people from outside viewing activities within the service should the service user desire greater privacy. This can be done by the use of curtains, screens, or the use of opaque glass etc
2. All staff must knock on closed doors and wait for permission before entering the private locations of service users. This includes homes, bathrooms, bedrooms and toilets.
3. Where a service user requires assistance to carry out activities in daily living, the Manager/Coordinator is to ensure that suitable skill development programs are facilitated in

consultation with that person and implemented through the planning process. These programs can be either of a formal or informal nature.

LEGISLATION AND CROSS-REFERENCE

Human Rights and Equal Opportunity Commission Act 1986

NSW Disability Services Act 1993

Privacy Act 1988

Australian Privacy Principles

NSW Disability Services Standards

- Standard 1 Rights
- Standard 6 Service Management

Other relevant Meditech Staffing Policies and Procedures

- Consent
- Documentation and Record keeping
- Planning