

Carer's Guide to Confidentiality

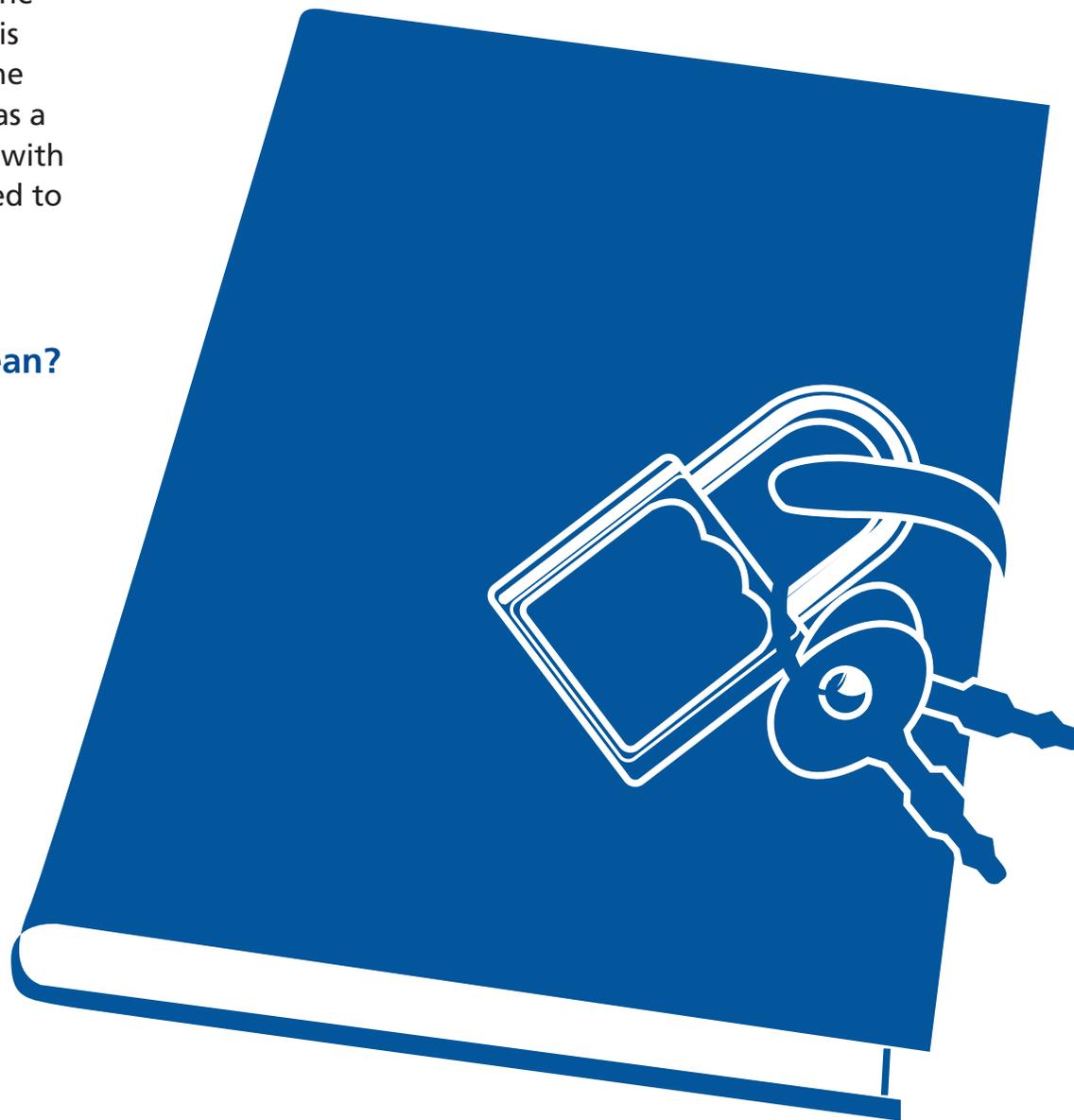
Introduction

This guide has been prepared to assist people who are caring for or supporting their partners, friends or relatives (for the purpose of this document, described as “Carer”). Its aim is to help you understand what confidentiality means for the Trust, its staff, the person you are caring for and for you as a Carer. Additionally it will help explain how we can work with you to make sure you have the right information you need to provide you with on-going support.

What does the term “duty of confidentiality” mean?

When someone talks to a health professional in a private consultation there is an expectation that what is discussed will remain private. The person involved in the consultation will have their own ideas and thoughts on how this private information can and can't be shared or disclosed with others. Wherever possible our staff will respect these wishes.

The NHS as a whole is bound by the current UK/European legislation, related best practice guidelines and various Codes of Conduct governing how information is held, used and shared. These are developed by professional bodies, such as the General Medical Council.



What does this mean for me?

We recognise that sharing information with you is vital to the care and treatment of your loved one.

We also appreciate that healthcare is a wider partnership which includes families and carers.

Involving you in the care and treatment of the person you are caring for is important to us. However we must balance those obligations against those that the duty of confidentiality places on us.

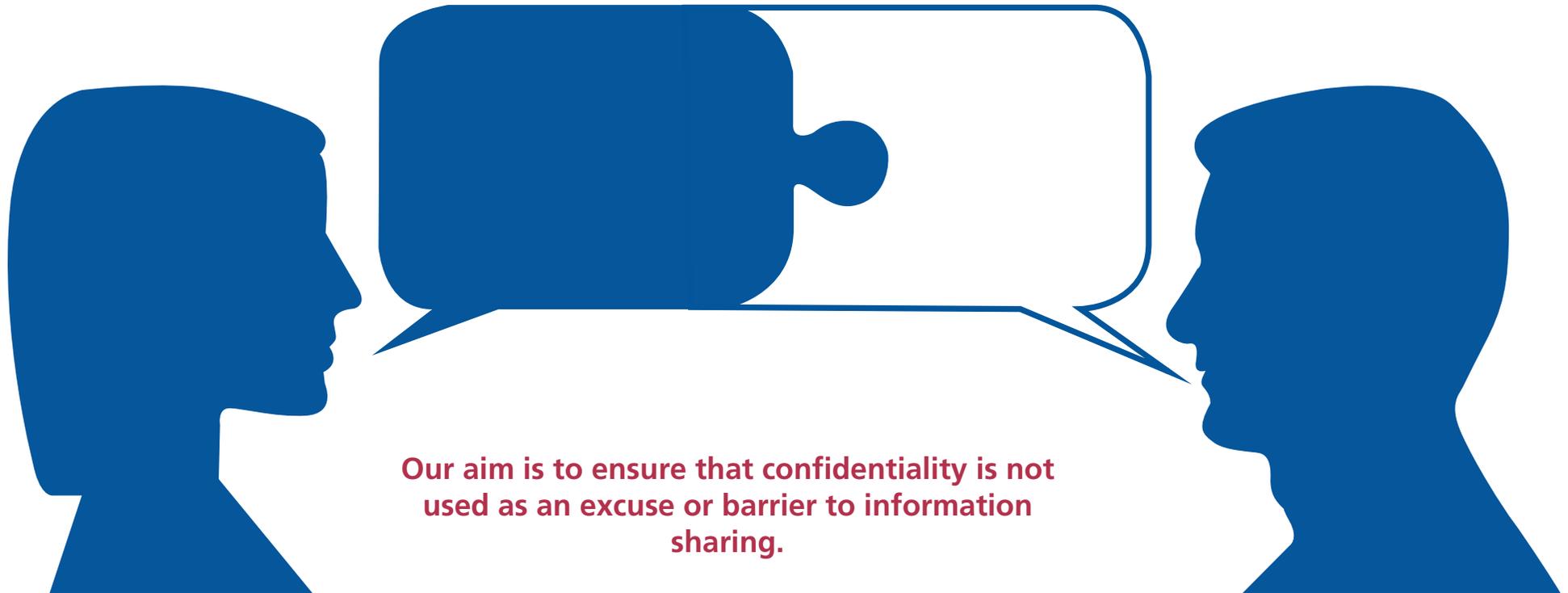
We understand that there are times when you will ask us for information about the person you are caring for.

When this happens we will discuss your request with you to understand if it is in any way affected by our duty of confidentiality to the person being care for.

Where necessary we will take advice from the person concerned regarding the sharing and disclosure of information.

A person's desire to withhold information must, other than in exceptional circumstances, be respected by our staff.

If you are involved with providing care at home we will ensure you have adequate information to do this without affecting anyone's personal safety.



Our aim is to ensure that confidentiality is not used as an excuse or barrier to information sharing.

We will work with the person being cared for to understand more fully what information they are happy for us to share with you, and these decisions will be documented and reviewed regularly. We will ensure the person you're caring for understands the benefits of information sharing and the possible consequences of not sharing information with you.

Where consent is **given**

This means the person you are caring for has agreed to your involvement and is happy for us to share information with you about their care and treatment. Therefore we will help you with the following:

- to understand the person's treatment plan and its aims
- receive information about the person's illness that will help you to support them
- take an active role in care planning
- receive a copy of the care plan, crisis plan or other relevant documentation

Where consent is **refused**

This means that the person you are caring for has expressed concerns about information being shared and has refused, or is reluctant to agree to it happening.

In instances like this we will explore the reasons behind this with the person concerned to see if we can work with them to agree and select information they are happy to share.

If these circumstances arise, we will explain to you what kind of information may and may not be shared.

Where consent

cannot be given

In some circumstances, a person may lack the capacity to understand and make decisions about the sharing of their personal information because of their mental health condition.

This lack of capacity does not have to be permanent; it can fluctuate and be a temporary or intermittent impairment.

Where this is the case our staff may disclose information with you about the person when it is in their best interest to do so, or where there is some other lawful reason such as the presence of a registered Lasting Power of Attorney.

Our staff will take into consideration any previous views or expressed wishes the person you are caring for has made and we will work with you to decide on an appropriate level of information sharing, ensuring the care of the patient remains paramount.

Information sharing

without consent

There may be some situations where information needs to be shared without consent or against the expressed wishes of the person you are caring for.

This would generally be where there is an emergency situation involving either the person or yourself; a safety concern; or where failure to share information may place someone at significant risk.

These circumstances will be carefully considered by our staff and only the minimum amount of information required on a "need to know" basis will be shared with you.

We will clearly explain to the person you are caring for the reasons why we believe this is necessary and a note will be made in the clinical record.



You may already know that a person is receiving services from us.

If so this duty of confidentiality does not prevent us from listening to you should you want to speak with us.

There is no breach of confidentiality or requirement for consent in order to meet with, see and listen to you.

Your views are important and help us to provide care to the person you are caring for, and the information you provide will also be subject to the duty of confidentiality detailed above.

It is rarely acceptable for someone to refuse to see you simply because the person hasn't given their consent.

However, if you are meeting with a health professional on a listening basis everyone involved should be clear of the purpose.

If we are unable to give you detailed information about the person you are caring for we can support you in other ways.

We can provide general information about the illness and we can share information about local and national support groups which can offer emotional and practical support for you.

Where do I go for more Information?

If you have any questions that this booklet does not answer for you, or you would like to know more about confidentiality and how it affects you, please contact the Information Rights Department on 01795 514525 or write to us as St Michaels House, St Michaels Road, Sittingbourne, ME10 3DW or via email to foi@kmpt.nhs.uk.

If you feel that information has been shared unnecessarily, or not shared when it should have been, you can discuss this with the health and social care professional or team leader.

You could also discuss this with the Information Rights Department (as above) or the Patient Experience Team who can be contacted on 0800 587 6757 or 0800 783 9972 or via email to patientexperience@kmpt.nhs.uk

You can make a formal complaint if you feel that your concern cannot be resolved informally by the health and social care professional, team leader, Information Rights Department or the Patient Experience Team, by contacting:

The Patient Experience Team (West)
Priority House
Hermitage Lane
Maidstone, Kent, ME16 9PH

The Patient Experience Team (East)
St Martin's Hospital
Littlebourne Road
Canterbury, Kent, CT1 1TD