

CLIENT PRIVACY, DIGNITY AND CONFIDENTIALITY

PURPOSE

The purpose of the policy is to ensure that the privacy, dignity, and confidentiality of clients are respected and always implemented.

POLICY

Meditech Staffing recognises and respects the right of every client 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 client 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 client where they are 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 client telling a staff member that a regular visitor is assaulting them. While the client should be consulted about the issue, it is clearly important that the information be made available.

Meditech Staffing will at initial consultations, inform clients 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 their personal records and any other information relating to them that may be kept by Meditech Staffing.

Where the client is responsible for their own decisions and choices Meditech Staffing will ensure that information about the client 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), clients will be informed, and consent gained from them where required. Meditech Staffing will ensure that clients remain anonymous and will not be identified in any such reports.

Meditech Staffing will normally keep records of clients for a period of seven years, or as prescribed in the Documentation & Record Keeping policy. Non-current records in the person's file will be transferred to the Archival File. Meditech Staffing will archive all non-current records.

Meditech will adhere to all requirements imposed under the Privacy Act 1988, including the requirements imposed by the Privacy Amendment (Notifiable Data Breaches) Act 2017, to strengthen the protection of personal information.

SCOPE

This policy applies to all employees within the community and nursing agency departments providing services to clients (participants and consumers), as well as their families, guardians and advocates.

DEFINITIONS

- **Privacy:** refers to a client 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 client.
- **Confidentiality:** refers to having the trust or confidence of a client 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.

PROCEDURES

Providing Services

1. For managed services, (e.g., home care, NDIS and private) clients and their support person, advocate, or guardian will be advised by the Case Manager prior to the commencement of services that Meditech Staffing will be developing and maintaining a file that will contain personal information about that person. The Case Manager will ensure that the clients and/or their support person, advocate, or guardian 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. Additional to managed services, the Case Manager must advise clients and/or their support person, advocate or guardian that they may view the file and any other information held by Meditech Staffing that is specific to that person. Any support person or advocate must have the prior written consent of the client to perform such roles. Any information requested may be viewed at a time convenient to both the client and the representative from Meditech Staffing. The client 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 Meditech Staffing, all staff must sign a confidentiality statement (as included in a Code of Conduct or an employment contract) that they will not breach the confidentiality of clients or the organisation.
4. All documentation that is related to the personal issues of clients 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. Clients are to be given the opportunity to place information and relevant personal notes into their own file. The clients 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 clients to families without the consent of the clients.
7. Meditech will notify individuals and the Office of the Australian Information Commissioner (OAIC) as per the Notifiable Data Breaches Scheme when there has been a data breach (or suspected breach) of personal information, if it is likely to result in serious harm to individuals whose privacy has been breached. Further information on the OAIC website.

General Approach

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

1. Staff must address clients in a respectful and age-appropriate manner. (E.g., adult clients are not to be referred to as though they were children).
2. Staff must always avoid any language which devalues the clients.
3. People first language should be used to speak appropriately and respectfully about an individual. People first language emphasises the person first and not the disability or impairment. For example, when referring to a person with a disability, refer to the person first by using phrases such as: “a person who ...”, “a person with ...” or, “person who has...”. Examples include: “person with a disability”, “person who uses a wheelchair”, “person with multiple sclerosis”, “person who is unable to speak”.
4. Staff are to avoid discussing issues relating to clients with others unless such discussions are in an appropriate forum, such as:
 - A planning meeting
 - Service review meetings
 - Professional consultations
 - Supervision sessions
5. Staff must not discuss issues relating to clients in front of the person unless that person is actively involved in the discussion.
6. Staff must not discuss any confidential information about clients:
 - With unauthorised staff
 - With staff from other services without the consent of the clients or their guardians
 - With other clients
 - In public
 - In a location where that conversation may be overheard by unauthorised persons
7. Staff must only provide a level of assistance to a client that allows that person to complete a task successfully. Staff members are to encourage the clients to develop skills that will allow them to function as independently as possible in as many areas of daily living as possible.

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

Providing Personal Care Services

1. Staff must respect the wishes of clients and/or their guardians in relation to gender, religious and cultural issues. For example, issues raised about the gender match of staff to clients are to be considered in the staff selection and rostering process to ensure that appropriate staff members are on duty to assist an individual client with their personal care needs.
2. Where a client 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 client, 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 client in the bathroom at any one time unless that person requires additional support due to physical or behavioural issues
 - Where staff members assist a client to dress, direct contact with other people at this time is inappropriate unless approved by the client. There is to be only one staff member and one client 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 clients to form relationships of their choosing and to express their sexuality within the context of the lifestyle choices of that person and about mainstream community expectation.
2. Staff will respect the privacy of the client and that person's choice with regards to sexuality and relationship issues.
3. Meditech Staffing will provide the clients with support and education to allow that person to make informed choices about forming relationships and other lifestyle choices.

Documentation and Professional Meetings

1. The Case Manager or delegated staff member is to ensure that the client's file contains only personal information about a client 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 client 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 clients (where capable) to access files containing their personal information.
3. The Archival Files should be stored on the secure electronic information system or otherwise in a locked cupboard/filing cabinet on Meditech Staffing premises where keyed access to information is only available by authorised access.
4. Staff must always seek the consent of the clients and/or their support person, advocate or guardian prior to the release of any information about that person. The Exchange of Information consent form must be signed by the client when requested to share information with another service provide.
5. Staff are permitted to raise issues relating to clients that are appropriate and relevant in the context of professional supervision, debriefing or personal counselling.
6. The Case Manager or delegated staff member 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 Chief Executive Officer or delegated staff member 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 client or their legal guardian. Students are required to provide a written undertaking that they will always maintain confidentiality 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 (including electronic property) 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 clients are to be kept in a standardised format as detailed in the Documentation and Record Keeping Policy and Procedure.

11. All staff with access to electronic file records must use all authentication and password mechanism on both the device and software application. Passwords should be complex and composed of numeric, alphabetic (uppercase and lowercase) characters in addition to special symbols and similar characters. All staff must change passwords regularly.

RELEVANT DOCUMENTS

- Privacy
- Consent
- Client Documentation and Record Keeping
- Client Assessment, Planning and Review
- Exchange of Information

LEGISLATION AND CROSS-REFERENCE

- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Privacy Act 1988
- Australian Privacy Principles
- Aged Care Act 1997
- Aged Care Quality Standards
 - Standard 1 Consumer dignity and choice
- National Disability Insurance Scheme Act 2013
NDIS Practice Standards
 - Core Module:
 1. Rights and Responsibilities
 - Privacy and Dignity
 2. Provider Governance and Operational Management
 - Information Management
- Australian Community Industry Standard (ACIS) V4.0