

Standards Unit

Linking theory to practice: confidentiality

Learner handbook

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Success for All website:
www.successforall.gov.uk

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Foreword

The Standards Unit

We are committed to the following principles which underpin all our work:

- We will recognise and celebrate excellence in the post-16 sector.
- We will recognise and celebrate diversity.
- We will be open and participative in our approaches to development.
- We will recognise barriers to excellence and be supportive of those working in challenging contexts.
- We will challenge underperformance.

Success for All is a partnership between the DfES Standards Unit and the Learning and Skills Council (LSC). The Standards Unit leads on Themes 2 and 3 and the LSC on Themes 1 and 4:

- Theme 1 – meeting needs, improving choice
- Theme 2 – putting teaching, training and learning at the heart of what we do
- Theme 3 – developing the leaders, teachers, training and support staff of the future
- Theme 4 – developing a framework for quality and success.

The Standards Unit was set up in January 2003 to embed excellence in teaching, training and learning and to modernise and upgrade the sector's workforce. It acts as a catalyst, selecting priority curriculum areas for action and harnessing the work of partners to improve quality in the post-16 learning and skills sector – in FE and sixth form colleges, sixth forms in schools, work-based learning, adult and community learning and the prison service.

The Unit's staff includes officials and expert practitioners seconded from colleges and other providers and the inspectorates. This core team is supported by call-off consultants, whose expert knowledge enables delivery in a range of areas. The work of the central team is supported by nine regional offices who are crucial to the national dissemination of the teaching and learning resources and the delivery of step improvements across the country. The Unit selects curriculum areas because of their importance to the economy and social inclusion and because inspection outcomes show there is room for improvement.

To support the improvements required, the Standards Unit is also providing national free training in coaching for teachers and trainers who have been nominated as Subject Learning Coaches by their managers. The programme is designed to provide professional training for Subject Learning Coaches so that they can work confidently with colleagues to further improve teaching, training and learning in their subject area. It is a new and exciting programme which is being embedded through subject networks, where Subject

Learning Coaches from different backgrounds meet to share best practice and develop their coaching skills. If you would like to know more about becoming a Subject Learning Coach, why don't you speak to your Standards Unit Regional Director or look at www.successforall.gov.uk.



This health and social care resource will be a valuable reference in network meetings when Subject Learning Coaches are discussing the health and social care curriculum. We hope you will find this a useful resource and we look forward to receiving your comments and feedback.

Jane Williams
Director of Teaching and Learning
Head of Standards Unit

Introduction

How to use this handbook

REMEMBER

Some sessions could result in you discussing personal and confidential areas of your own life. You may feel anxious if you have to reveal aspects of poor practice in your workplace. Always remember you should not keep any anxieties or worries to yourself. You should discuss them with your teacher or trainer who will help you with any aspects of disclosure.

Welcome to this learner handbook on confidentiality.

This handbook can be used in conjunction with your teaching sessions or as a stand-alone handbook for you to work through. This handbook should help you understand confidentiality and can be used whether you work in health and social care or early years. In order to ensure that you get the best from this handbook, try to cover each section.

This handbook uses an activity-based approach to learning. When used as part of a session, it will involve you taking part in a board-based activity with your teacher or trainer, and peer group. The first part of the handbook covers all you need to know about confidentiality and, where possible, we have linked theory to practice. The next three parts involve making and taking part in the activity with your teacher and trainer.

This way of learning should be fun. It should also challenge some of your own beliefs and practices, and help you look at how confidentiality is addressed in your workplace.

There are information sheets at the back of the handbook which will help you to take part in each activity.



Section 1

What you need to know



Getting started

Before you begin to work your way through this handbook, you need to find out what you already know. We will test this knowledge and understanding again at the end of the handbook. Take some time to answer the following questions. You may want to think, write down your responses and then share them with another learner or friend.

1. What is confidentiality?

2. How has confidentiality affected you? Have you ever experienced somebody else breaching (breaking) your confidentiality? How did it feel?

Now read pages 10–16 carefully and then complete Worksheet 2.

Confidentiality

Definitions

Two slightly adapted definitions of confidentiality from dictionaries are given below.

Adapted from *The Concise Oxford Dictionary*

Confidential:

- spoken or written in confidence;
- entrusted with secrets;
- charged with secret task;
- inclined to confide.

Adapted from *Chambers Concise Dictionary*

Confide:

- *to trust wholly or have faith;*
- *to impart secrets to someone as confidences;*
- *to entrust; to tell with reliance upon secrecy.*

Think about the following question: Is confidentiality an obscure concept or a practical, everyday issue of vital importance to us all?

Confidentiality examples 1–5

Read through the newspaper articles on pages 12–16. Write your responses on Worksheet 2 which is found on page 17 of this handbook.

Search the internet and the local and national media for more recent examples of reports that involve issues of confidentiality.

What issues about confidentiality are raised by each of the examples, and what are your views on these issues? Write your comments on each of the five reports on separate sheets of paper.

Ask your teacher or trainer for the list of useful websites to be found in the Confidentiality Teacher and Trainer Handbook.

Confidentiality example 1

The context for example 1

In 2003, two young schoolgirls were murdered in Soham near Cambridge. Ian Huntley was arrested and accused of the murders. When Ian Huntley applied for the caretaker's job at Soham College, the Cambridgeshire Constabulary asked the Humberside Police whether or not he had any previous convictions that would prevent him from taking up the position at the college.

Disclosure of confidential information

Huntley had been accused of sexual offences against young girls when he worked in Humberside. However, the records of the allegations against Huntley had been erased from the Humberside Police files so nothing was mentioned. Guidelines on what information could be kept were said to be unclear. There were different interpretations of what was required under the Data Protection Act 1998.

Confidentiality example 2

The context for example 2

A 21-year-old woman was murdered and found dead at the edge of a woodland. She had been strangled. The police had no information to work on.

A factory worker made many telephone calls to the Samaritans to confess to the murder. He felt remorse and was on the brink of suicide. He did not try to hide his identity.

Disclosure of confidential information

The Samaritan's volunteer who took the calls was in a dilemma. He was uncertain whether he should break the Samaritans' strict confidentiality policy and tell the police about the caller's confession. Eventually he called the police and informed them about the caller.

The volunteer was forced to resign.

Confidentiality example 3

The context for example 3

A newspaper published photographs of a world famous model leaving a drug rehabilitation centre and an article about her addiction. The model was trying to keep her addiction secret.

Disclosure of confidential information

The model sued the newspaper for printing the information because she said it was confidential. The paper won the case and claimed it was a victory for press freedom. The model appealed against the ruling of the court. The appeal was rejected. The case was taken to the House of Lords where the model's appeal was upheld. Three law lords found in favour of the model but two found in favour of the newspaper.

Confidentiality example 4

The context for example 4

A woman who was a social worker decided to use her time on the train to work. She had several clients who needed a place in residential care. The social worker telephoned some managers of residential homes to enquire about accommodation for her clients. On the same train sitting close to the social worker was another passenger who could hear clearly what was being said.

Disclosure of confidential information

The social worker gave the managers information about her clients' medical conditions, financial circumstances, details of their families and aspects of their behaviour which might need to be taken into consideration. The clients' names and addresses were given.

The passenger sitting nearby told the social worker that it was wrong to discuss her clients so loudly in public but this made no difference and the social worker continued with her work.

Confidentiality example 5

The context for example 5

A 14-year-old girl was pregnant and went for advice to a health professional who regularly visited her school. The girl was sent to the local hospital and she was given pills to induce an abortion.

Disclosure of confidential information

The girl's mother knew nothing about the pregnancy nor about the abortion procedure until she overheard a conversation between some of the girl's friends. The mother discussed the matter with her daughter and the daughter decided that she wished to keep the baby after all. After receiving further advice from the hospital, the girl decided to continue with the abortion treatment.

The mother was angry with the school and the medical staff who had not informed her of her daughter's condition. The mother felt her rights as a parent had been ignored. She considered that she had not been allowed the opportunity to help her daughter to come to terms with the pregnancy.

What confidentiality might mean to us

The examples on pp. 12–16 highlight instances where confidentiality has been in question. Confidentiality impacts on all aspects of our lives. Take some time to write down your thoughts and feelings about the reports. For some of the questions there are no right or wrong answers. You will begin to see how moral and ethical issues are very important when looking at issues of confidentiality.

Example 1

What do you know about the Data Protection Act 1998? What problems did the police have with the Data Protection Act 1998 when investigating Ian Huntley?

For more information on the Data Protection Act 1998, look at the information sheet provided on page 52, then write your answers.

Example 2

Thinking about your own workplace, give an example of when you think it would be appropriate to breach an individual's confidentiality.

Worksheet 2

Example 3

Do you think the media was wrong to reveal the model's drug addiction? Give reasons for your views.

What would you do if you found out that somebody you worked with was taking illegal drugs regularly?

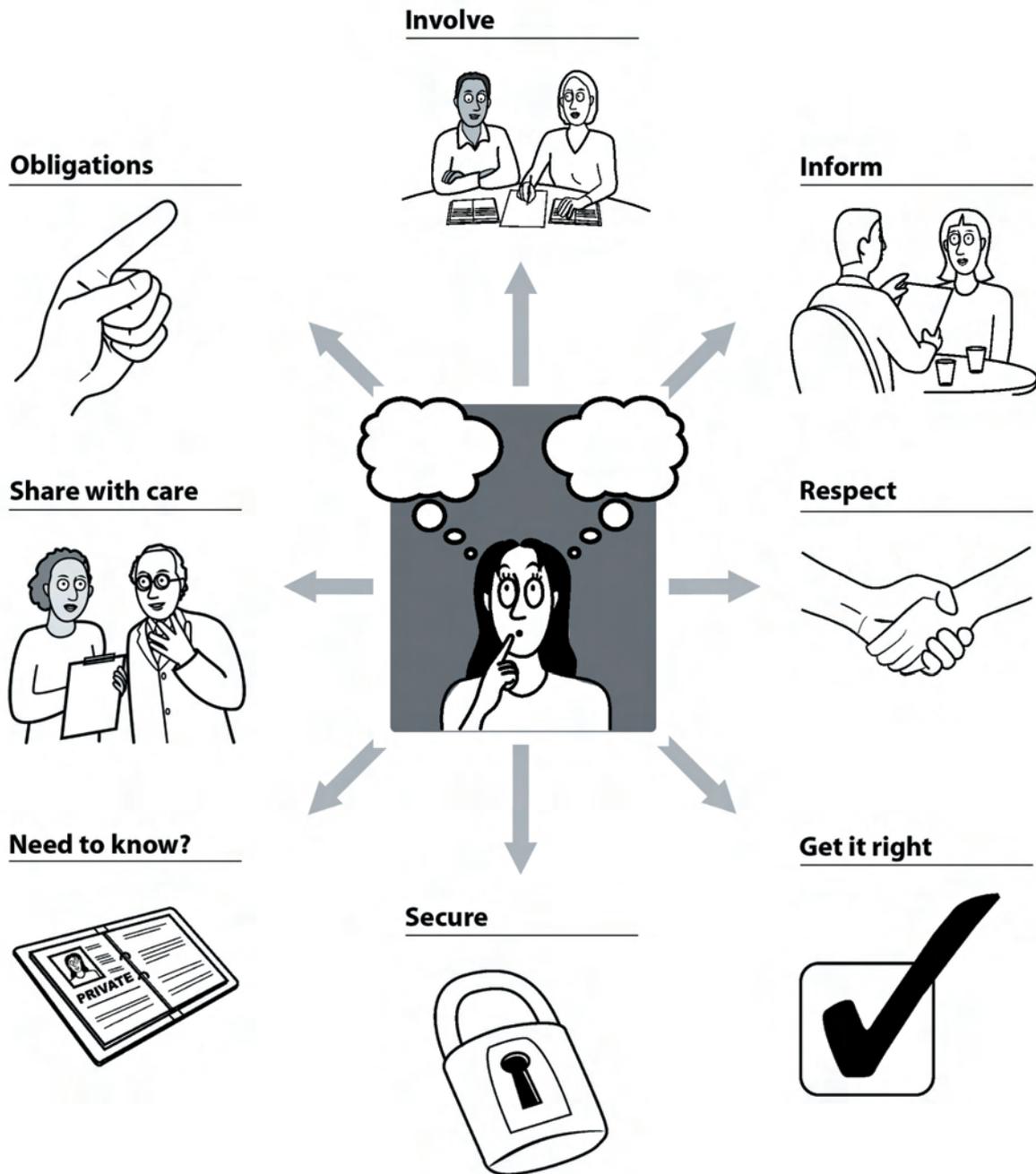
Example 4

Do you think that the journalist was right to challenge the social worker? Give reasons for your view.

Example 5

Do you think that the mother had a right to know about the abortion? Give reasons for your views.

Confidentiality – basic principles



Handout 1



Involve Let the people who use your service know what information you wish to record.

Explain why you need the information and what it may be used for.



Inform Make sure that the people who use your service understand their rights to confidentiality and how to exercise them.

Respect the right of the people who use your service to have access to their records.



Respect Some people may wish to share confidential information with you and ask you not to share it with anybody else. Sometimes it is difficult to decide whether this is feasible, but you should try and respect their wishes as much as possible.

Make sure that they are aware of the implications of their decision.

If you cannot respect a person's wishes on the use of personal information, guidance should be sought from senior staff or your supervisor.



Get it right Make sure that records are accurate, complete and up-to-date.

REMEMBER

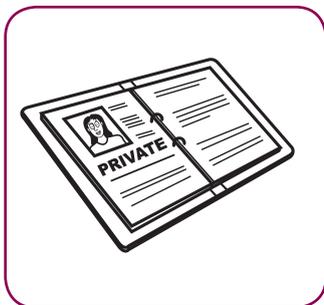
There may be times when you should tell an individual that you cannot keep a confidence. You may have to pass on the information to your line manager or supervisor. If an individual is at risk, you should share that information with others.

Handout 1



Secure Store and send personal information securely at all times in order to ensure that it cannot fall into the wrong hands.

Ensure that requests to see and share information are from those with a legitimate interest and right.



Need to know? Only record information relevant to caring for the people who use your service. This may include information needed for administration and/or any research projects in which a person has agreed to participate.

Share personal information required for the care of people who use your service only on a need-to-know basis.

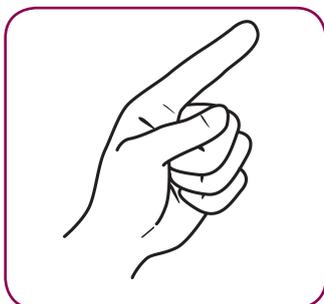


Share with care Share personal information outside your service only with the person's knowledge and consent.

You may share information without consent:

- if you are obliged to by law;
- if required to do so to protect life and limb;
- if you must do so in the public interest.

You must always, however, refer your decision to your line manager or your supervisor and be prepared to defend the basis of any disclosure.



Obligations All staff dealing with personal information should be aware of the issues surrounding confidentiality and be trained to deal with them in an appropriate manner.

The requirement to maintain confidentiality should be a contractual obligation for all those employed in every care and early years setting, including partners, stakeholders and volunteers.

Worksheet 3

Links to the workplace

You should now have a better understanding of how confidentiality can affect your personal life. You may know what it feels like when a close friend or relative breaches (breaks) a confidence. You can work through this worksheet on your own or you may like to work with another learner to pool ideas. If you are working alone, you can check your answers when you next meet your teacher or trainer.

Let us now explore further what confidentiality in the workplace means to you as a care or early years worker. We often talk about keeping things confidential, but you can breach somebody's confidence without even realising that you have done so. For example:

- talking about clients or children to friends and family;
- discussing work on a bus when somebody could be listening in;
- leaving confidential information out where others may see it.

Can you think of five more ways that confidentiality might be broken in the workplace?

1. _____
2. _____
3. _____
4. _____
5. _____

Give five examples of how you can maintain (keep) confidentiality in your workplace.

1. _____
2. _____
3. _____
4. _____
5. _____

Worksheet 3

Think about someone who has breached your confidentiality or try to imagine what it might feel like for some of your clients or children.

Add some other emotions to the list that they might be feeling when this has happened.

Hurt, upset,

REMEMBER

Remember that you can sometimes breach confidentiality without realising it. You have to think very carefully about the information you have about others and try not to breach confidentiality.

- Remember that having somebody's information is a very powerful thing that you have to respect.
- Remember who has control of your information.
- Remember that as a care or early years worker you cannot always promise to keep a secret.
- Remember that you can only breach confidentiality when somebody's wellbeing and/or safety is at risk.
- Remember that we all like to gossip, but next time it could be about you.
- Remember some gossip could be illegal.

Things for you to do

- 1 Make sure you have read the learner information sheets (found on pp. 43–52) that explain the legislation surrounding confidentiality. You will need this knowledge to be able to take part in the confidentiality activity.
- 2 Think about all of the people you come into contact with who should have access to information about a client or child and why they should have that information.

Write down five people, for example, teacher or care manager.

1. _____
2. _____
3. _____
4. _____
5. _____

Why do they need access to the information?

Worksheet 4

3 Think about your workplace and the people you regularly come into contact with. List five people who, in your opinion, should not have access to confidential information, for example, the caretaker or another parent.

1. _____

2. _____

3. _____

4. _____

5. _____

Why should they not have access to confidential information?

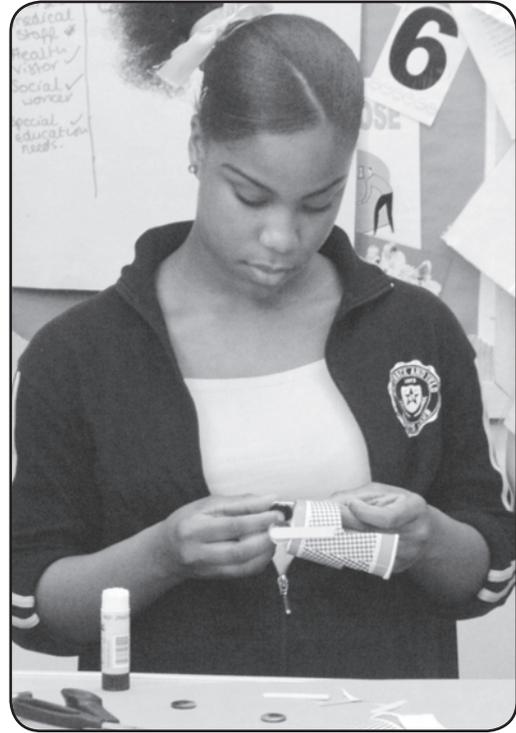
4 Ask your manager or supervisor for a copy of your workplace's confidentiality policy. Do you understand what it means for the people working there? Bring a copy to your next session or tutorial and discuss it with your teacher or trainer.

5 Do you think that this policy protects you and the clients or children with whom you work?

Congratulations! You now have a much better understanding of confidentiality. Go back to Worksheet 1 and write again, on a new sheet of paper if necessary, what confidentiality means.

Section 2

Preparing the confidentiality activity



Preparing the confidentiality activity



To make learning about confidentiality more fun, we have devised a team activity for you to take part in. The activity tests what you have learnt about:

- 1 What confidentiality is.
- 2 The impact of confidentiality in your various workplaces.
- 3 Some of the moral and ethical dilemmas surrounding confidentiality.

The activity consists of:



- 1 The mat provided, or a board which you can make (You can be as creative as you want);
- 2 A set of four clients or children, one per group, with 10 pieces of confidential information about each individual. You can make your own clients out of craft materials given by your teacher or trainer or use the templates provided. Your teacher or trainer will give you sheets with client information. You can, if you wish, make up information sheets for four clients or children based on your team's experiences in the workplace;
- 3 A set of 'good practice' cards, 'room for improvement' cards and 'question' cards;
- 4 A set of five people who should have access to information in your workplace, will be identified and made by the group;
- 5 A set of five people who should not have access to information in your workplace, will be identified and made by the group;
- 6 Dice to play the game;
- 7 Scoring sheets.

There are four groups; each will be allocated tasks as a part of preparing the activity (see Handouts pp. 30–33 'Preparing the activity' groups 1–4). In some instances the activity may already be made for you, so you can just start playing it.

Creating the client or child and his or her information

What should your client or child look like?

This is entirely up to you. Be as creative as you can. Make your character as distinctive and as personal to you as possible.

Who is your client or child?

Start by thinking of some clients or children that you have already worked with. Remember not to breach confidentiality.

On a piece of flipchart paper, begin to identify aspects of the client's or child's life.

Think of some or all of these questions:

- Is the client or child male or female?
- What is the client's or child's name?
- Does the client or child have a disability? How might she or he feel about their disability?
- Is the client or child from a minority group? How might the child or client see themselves?
- How old is the client or child? Is age important to them?
- Does the client or child have a learning disability? How might this affect his or her self-perception?
- Does the client or child have a mental health condition? How might this affect the way he or she feels?
- What sort of care does the client or child require? How might this affect the way he or she lives?
- What is the client or child good at?
- Does the client or child have any medical conditions? How might this affect the way he or she lives?
- Does the client or child have any challenging behaviour?
- What is the client's or child's life story?
- What is his or her family like? Is the family supportive or distant from him or her?

Create 10 pieces of information

Try to empathise with the client or child. Think about his or her life story. What information do you think would be important to him or her?

Choose 10 pieces of information from the client's or child's story you feel are most important to keep confidential. Write these 10 pieces of information on separate pieces of paper and attach them to the client or child. You could use a paper clip or place the pieces in a plastic cup with the picture of your child or client stuck on the side.

REMEMBER

You may have to remove pieces of information during the activity.

Preparing the activity – group 1

Everyone should now be in one of the four teams. Work as a team and carefully discuss your tasks, so that everyone understands his or her part in preparing the activity.

Working as a group, read the instructions and then decide amongst you who will carry out each task. Your teacher or trainer will give you instructions to follow explaining your role.

Always support each other in carrying out the task.

Task 1

As a group, discuss and write down all the forms of sensitive information professionals may hold about their clients or children. You will be asked to share this information with the rest of the group.

Task 2

Make your own client or child out of craft material provided by your teacher or trainer, or use the templates from this handbook on p. 38. You may want to make up your own client's or child's information, but information sheets are available from your teacher or trainer if you run out of ideas. You must have at least 10 pieces of confidential information, cut into strips, about your client or child. Try and make the client or child as real as possible. You might like to use examples from your workplace, but please remember not to use real names.

Task 3 (optional)

If you are not using the mat provided, your team may need to make a board on which the activity is played.

REMEMBER

The board should be big enough to fit at least 12 players comfortably round it. You can be as creative as you wish.

Things to remember when making the board:

- There should be a starting point and a finishing point.
- There should be approximately 30 spaces on the board.
- There are three categories of spaces.
- Room for improvement (blue) – 8 spaces.
- Good practice spaces (green) – 10 spaces.
- Question spaces (red) – 12 spaces.
- The order of the spaces does not really matter.

Handout 2

Preparing the activity – group 2

Everyone should now be in one of the four teams. Work as a team and carefully discuss your tasks, so that everyone understands his or her part in preparing the activity.

Working as a group, read the instructions and then decide amongst you who will carry out each task. Your teacher or trainer will give you instructions to follow explaining your role.

Always support each other in carrying out the task.

Task 1

As a group, discuss and write down the many ways that confidentiality can be breached (broken). You will be asked to share this information with the rest of the group.

Task 2

Make your own client or child out of craft material provided by your teacher or trainer, or use the templates from this handbook on p. 38. You may want to make up your own client's or child's information, but information sheets are available from your teacher or trainer if you run out of ideas. You must have at least 10 pieces of confidential information, cut into strips, about your client or child. Try and make the client or child as real as possible. You might like to use examples from your workplace, but please remember not to use real names.

Task 3 (optional)

If you are not using the 20 'Room for improvement' cards supplied with this handbook, you will need to make a set of your own using the information you gained during Task 1. You may decide to use 10 cards supplied with this handbook and make 10 of your own.

An example of a 'Room for improvement' card is:

Card 1. H&SC Whilst someone is on the telephone, you and your colleague continue to discuss sensitive information about a client.

Why is this poor practice?

REMEMBER

Examples of room for improvement should be concerned with the ways that people can breach or break confidentiality.

Preparing the activity – group 3

Everyone should now be in one of the four teams. Work as a team and carefully discuss your tasks, so that everyone understands his or her part in preparing the activity.

Working as a group, read the instructions and then decide amongst you who will carry out each task. Your teacher or trainer will give you instructions to follow explaining your role.

Always support each other in carrying out the task.

Task 1

As a group, discuss and write down as many ways as possible in which you can improve confidentiality. You will be asked to share this information with the rest of the group.

Task 2

Make your own client or child out of craft material provided by your teacher or trainer, or use the templates from this handbook on p. 38. You may want to make up your own client or child information, but information sheets are available from your teacher or trainer if you run out of ideas. You must have at least 10 pieces of confidential information, cut into strips, about your client or child. Try and make the client or child as real as possible. You might like to use examples from your workplace, but please remember not to use real names.

Task 3 (optional)

If you are not using the 20 'Good practice' cards supplied in this handbook, you will need to make a set of your own using the information you gained during Task 1. You may decide to use 10 cards supplied in this handbook and make 10 of your own.

An example of a 'Good practice' card is:

Card 1. EY When an EYP is on playground duty, she notices a six-year-old boy hiding. Reluctantly he tells her that he is being 'picked on' by older boys. He does not want the EYP to tell anyone. The EYP reassures him, but also tells him she does have to tell the class teacher.

Why is this good practice?

Preparing the activity – group 4

Everyone should now be in one of the four teams. Work as a team and carefully discuss your tasks, so that everyone understands his or her part in preparing the activity.

Working as a group, read the instructions and then decide amongst you who will carry out each task. Your teacher or trainer will give you instructions to follow explaining your role.

Always support each other in carrying out the task.

Task 1

As a group, discuss and write down which professionals or individuals you work with should or should not have access to confidential information. You will be asked to share this information with the rest of the group.

Task 2

Make your own client or child out of craft material provided by your teacher or trainer, or use the templates from this handbook on p. 38. You may want to make up your own client's or child's information, but information sheets are available from your teacher or trainer if you run out of ideas. You must have at least 10 pieces of confidential information, cut into strips, about your client or child. Try and make the client or child as real as possible. You might like to use examples from your workplace, but please remember not to use real names.

Task 3 (optional)

You are required to make 10 characters: five who should have access to information and five who should not. You can be as creative as you wish or use the templates provided on p. 38.

Section 3

Using the confidentiality activity



Task sheet for taking part in the activity

Aims of the activity

To explore how the theory of confidentiality is put into practice. Oh yes, and, to get as many points as possible to win.

You get points by:

- correctly answering the question and the 'good practice' cards gives you up to five points;
- crossing the finish line first gives you five extra points;
- keeping your character's information confidential gives you five extra points for each piece of information you still have at the end.
- if you land on a room-for-improvement space you lose a piece of client's or child's information worth five points.
- Does this seem harsh to you? Remember that confidentiality has been breached – there has to be some penalty.

You lose points:

How do you start?

Each group rolls the dice. The group with the highest roll of the dice starts.

The groups then take it in turns to throw the dice, moving along the board and dealing with the cards as they come up until one group reaches the finish.

Each team's points are then added up and you find out which team has won.

Above all, enjoy yourselves.

Rules for taking part in the activity

Materials

You need:

- a score card.
- the activity mat.
- dice.
- models of the team's clients or children.
- Five people who should have access to information.
- Five people who should not have access to information.

Each team has a model of their client or child and 10 pieces of information relating to that client or child. They may also have other information for their client or child (this is optional). Each team is responsible for maintaining the confidentiality of their client or child.

Each team takes it in turns to roll the dice and move the team client or child the number of places indicated by the dice. You can land on one of three types of spaces. The team takes a card matching the colour and title of the space on which they have landed.

The three kinds of spaces and cards are:

'Good practice' cards

When your team lands on a 'good practice' space, take a 'good practice' card. The space and cards are green.

Your team reads the information on the card aloud.

If your team can explain clearly why it is good practice, then your team wins up to five points on the score card.

Your team then selects a piece of your client's or child's information and decides which character should have the information.

Your team has to explain why the character can have the information.

If the answer is correct, your team wins up to five points. Your team does not give any information away.

The card is returned to the bottom of the pack.



'Room for improvement' cards

When your team lands on a blue 'room for improvement' space, you take a 'room for improvement' card.

Your team reads the information on the card aloud. Your team then has to explain why it is poor practice.

Your team has breached confidentiality and has to select a piece of your client's or child's information. The piece of information must be given to one of the people designated as those who should not have confidential information. Decide which character to give the confidential information to. Your team loses five points.

The card is returned to the bottom of the pack.



'Question' cards

When your team lands on a question space, they take a 'question' card. The spaces and cards are red.

Your team reads the information on the card aloud. Your team then answers the question.

If the answer is correct, you win up to five points.

The card is returned to the bottom of the pack.



Finishing

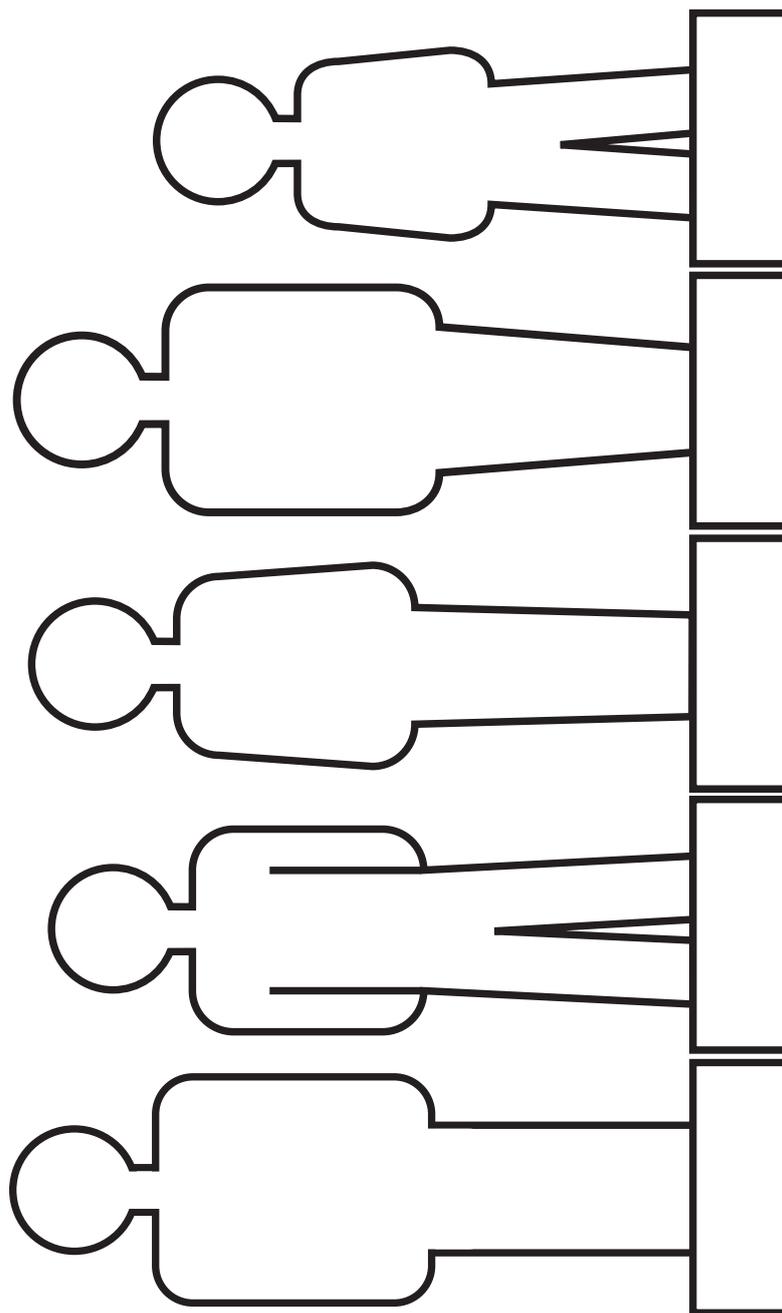
Once a team crosses the finish line, the activity is over. The other teams may choose to continue until all have crossed the finish line.

Add five points for each piece of information still possessed by the client at the end of the game and five points for being the first team to cross the finish line.

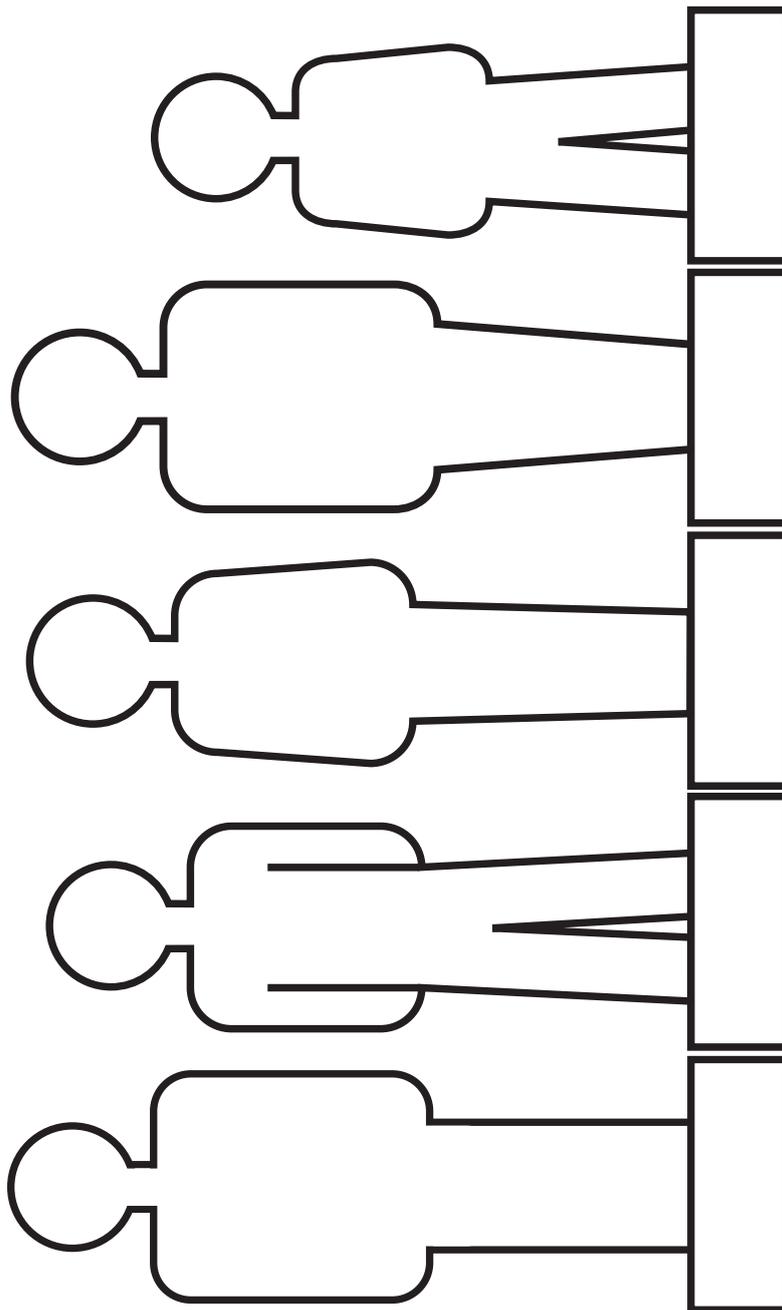
The winning team is the one with the most points.

Templates for making the activity

Template for the activity pieces



Template for the activity pieces



Section 4

What have I learnt?



Test what you have learnt

Now try answering questions 1 to 10, checking your answers with your teacher or trainer. You do this on your own or with another member of your group. If you are struggling with any questions, go back through Section 1 of the handbook and see if you can find the answers for yourself.

1 Each workplace should have a document that tells everyone what to do in order to maintain confidentiality

a What is this document called?

b Where might it be kept?

2 State three ways that you can maintain (keep) confidentiality.

a

b

c

3 What does the term 'confidentiality' mean?

4 What would you do if an ex-colleague asked you how a client or child was doing?

5 Can you name one law to do with confidentiality?

6 Can you name three pieces of information that should be kept confidential?

a

b

c

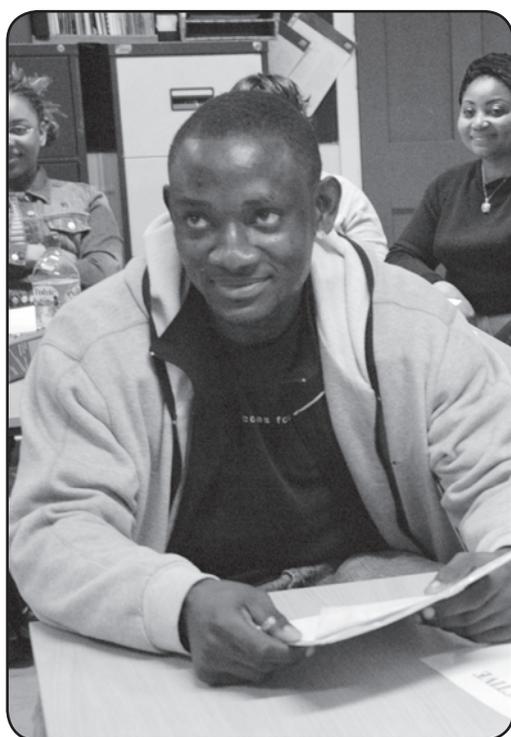
7 A client or child is upset and tells you that they have something important to tell you about another member of staff. They ask you to promise that you will not tell anybody else. What should you do?

8 When writing an assignment to do with your work placement, how would you make sure that what you write does not breach people's confidentiality?

9 One of your clients or carers asks you how another client or child is getting on. What should you do?

10 Give examples of how confidential information should be stored.

Learner information sheets



Handout 3 – early years practitioner

Why do I need to know about confidentiality?

Confidentiality is one of a set of core principles and values which you need to use to be a good early years practitioner. The Early Years National Training Organisation has published a statement of values. One relates to confidentiality:

Honour the confidentiality of the information relating to the child and their family, unless its disclosure is required by law or is in the best interest of the child.

It is good practice to show that you understand the statement and that you can put it into practice in your everyday work with children.

THINK ABOUT IT!

You have started working in a pre-school setting. How might a statement of values and a code of practice help you do your job more effectively?

What is confidentiality?

Confidentiality is about trust and loyalty. To trust someone means we expect the things we have told them to be kept confidential. It means the person receiving the information should show respect for what they have been told and not pass it on to anyone else. Confidentiality does not mean you have to keep everything you see and hear a secret. There are clear guidelines for when you need to pass on information you have relating to a child.

THINK ABOUT IT!

You have just received an upsetting text message from your partner whilst on your lunch break. You tell another member of staff about it. Later, on your way home from work, you run into a parent of one of the children you look after. They say they are sorry to hear that you have fallen out with your partner. How does this make you feel?

to be your supervisor or the child's key worker. **This is called DISCLOSURE.** It is detailed in the Child Protection Policy that your employer must have.

THINK ABOUT IT!

A five-year-old child you look after is often falling asleep during the day; he tells you that his daddy wakes him up at night to 'cuddle' him.

- Would you ask the daddy why he keeps waking up the child?
- Would you ignore this information and just let the child have naps during the day to compensate?
- Would you inform your supervisor or key worker?

The following information explains the laws, policies and best practice concerning confidentiality. It will help you to have a better understanding of how confidentiality affects your work with children and their families.

United Nations Convention on the Rights of the Child

This is a formal statement. It was drawn up by several nations around the world. Its main purpose is to protect the rights of children. It has had a significant effect on public policy and current law. If you read the policies and procedures of your early years setting, you will see that they include the principles of the UN convention.

The convention is split into articles and each one deals with children's individual rights. The following are examples:

Article 2 All rights apply to all children whatever their background and the state has an obligation to protect children against discrimination.

Article 3 Children's best interests come first.

Article 12 Children have a right to be heard.

Article 19 Children must be protected from violence, abuse and neglect.

Guidelines for good practice in confidentiality

Assume that all information that you learn in the workplace about children, parents and staff is confidential.

All early years employers have a policy on confidentiality – read it and put it into practice.

THINK ABOUT IT!

A thoughtless comment in the wrong place could result in a serious breach of confidentiality.

The Children Act 1989

An Act is a piece of legislation (law). Although the Children Act 1989 has been in existence for many years, it is updated periodically. The legislation protects the individual rights of children in relation to race, culture, language and religion. A well-known phrase from the Children Act 1989 is that:

"The welfare of the child is paramount"

Many professionals believe that it is one of the most important Acts to affect children and their families. It covers issues such as:

- family breakdown;
- child protection;
- individual rights of children;
- rights and parental responsibility of those who care for children under 18;
- children in need;
- 'looked-after children'.

All early years care and education providers have to follow the guidance attached to the Children Act (Department of Health 1991).

The Children Act 2004

This Act provides the legal framework for 'Every Child Matters'. This is designed to improve all forms of provision for children and young people. It includes policies on safeguarding and sharing information.

The Care Standards Act 2000

The act has 14 standards. These standards cover all aspects of childcare in all settings in England. You should be familiar with all of the standards if you work in an early years setting. Training courses for early years practitioners will help you to put the standards into practice. All registered early years settings are inspected by Ofsted and have to show that they are putting the standards into practice. For example:

Standard 9 – "will ensure that settings actively promote equality of opportunity and anti-discriminatory practice for all children".

HOW DO I DO THIS?

Let's assume that you are reading a story to children. Does the book suit the needs of all of the children you are reading to? Are all of the children able to participate in listening to the story? Does the story discriminate in any way, for example, only mother washes the dishes?

The Data Protection Act 1998

This is an update of previous law on the confidentiality of information. It now incorporates:

- access to Personal Files Act 1987;
- access to Medical Records Act 1998;
- access to Health Records 1990.

All information kept about children and their families, either electronically or on paper, is subject to the Act. The following are some of the key points of the Act. Ensure that you are fully aware of these points in your work with children and their families:

- An individual has the right to know what information about them is being held on them and they can ask to see it.
- An individual can refuse to give information.
- An individual has the right to know that any information you keep on them is factual and that it is up-to-date.
- An individual has the right to know for how long you are going to keep the information and where you are keeping it.
- An individual has a right to know who you are going to share the information with.
- An individual has the right to know that you will not pass on their confidential information to anyone else not directly involved in their care. This right is waived if the wellbeing of the child is more important than the right to confidentiality.

Handout 4 – health and social care worker

Why do I need to know about confidentiality?

Confidentiality is one of a set of core principles and values, which you need to be a good care worker. The Care Standards Act 2000 outlines how a care provider should practice. The Commission for Social Care Inspection ensures that every registered care provider is working in accordance with the act.

Confidentiality is a basic human right. In care work, you are looking after people who are vulnerable. These 'clients' have the right to know that you will not abuse any of the information you hold on them.

Information refers to anything you see, hear or read. This could mean a talk you have had with a client, photos they have shown you, an e-mail about them or written records that you see.

You must honour a client's confidentiality at all times.

You should only breach confidentiality if it is in the client's best interest or if it is required by law.

THINK ABOUT IT!

You have started working in a care home. Your supervisor asks you what you know about confidentiality. Do you say it is about keeping secrets? Do you admit it is something you would like to know more about and ask if you can read the employer's policy?

What is confidentiality?

Confidentiality is about trust and loyalty. To trust someone means we expect the things we have told them to be kept confidential. It means the person receiving the information should show respect for what they have been told. Never allow the information to become gossip.

Never allow written or electronic confidential information be left where others can see it.

Confidentiality does not mean that you have to keep everything you see and hear a secret. There are clear guidelines about when information relating to a client will need to be passed on.

THINK ABOUT IT!

An elderly man you have been caring for tells you that he is not very fond of his daughter-in-law who comes to visit. He asks you to keep this information to yourself because he wouldn't want to offend his son or his daughter-in-law. You tell your colleague, she writes it in the care plan and the daughter-in-law reads it. How does this make you feel? Would this man's care have been affected if you had not said anything?

How do I learn to keep things confidential?

When you work in care you get a great deal of privileged, personal information about your clients. You may know about their family, where they live and what they do for a living. You could know about their health records or their incomes. You will also have information on your employer and quite possibly on other staff. Remember that all information that you learn whilst in your workplace is confidential. Do not discuss it outside the workplace. You will learn:

- who it is appropriate to repeat information to;
- how to write down accurately what you have seen and heard;
- how to keep information safe.

All of this is an important part of being a professional.

THINK ABOUT IT!

Your 18-year-old neighbour is admitted to your ward in an emergency. He has insulin-dependent diabetes and he has not been looking after himself. He recently left home to live with a friend in a flat. The doctors say that, although his condition is serious, he is likely to make a full recovery with no side effects. You know his family would be very concerned about him. Do you go home and tell his family?

What does a breach in confidentiality mean?

A breach of confidentiality is when:

- you talk about or show records of any details relating to your employer, staff or clients, outside the workplace;
- you share information with someone in your workplace who is not directly involved in the care of your client.

A breach in confidentiality is a serious matter and could result in you losing your job.

THINK ABOUT IT!

You have been working long shifts and there have been severe staff shortages. You arrive home and your best friend says, "You look awful, are you sick?" You start to explain how difficult work is. You describe some of the health and family circumstances of your clients and the reasons why they are causing you concern.

Your friend later phones your supervisor to explain her concerns about your health and the strain you are under.

How should you have responded to your best friend's question? Should you now discuss your concerns with your supervisor?

How do I know when to breach confidentiality?

NEVER forget that your first duty is to the care and protection of your clients. Their safety and wellbeing is of utmost importance. DO NOT promise to keep 'secrets'.

If a client tells you something that you believe could be of harm to themselves or others, you must tell someone. As a Level 2 worker, this is likely to be your supervisor or the client's key worker.

This is called DISCLOSURE. It is detailed in the Client Protection Policy that your employer will have.

THINK ABOUT IT!

A client in your day centre tells you that she has started to have blackouts. She wants you to know this so that you do not worry. She asks you not to tell anyone else because she fears that the blackouts may be used as a reason to put her into residential care.

Should you tell someone? If you decide to tell someone who should it be?

The following information explains laws, policies and best practices. It will help you to have a better understanding of how confidentiality affects your work with:

- older people;
- adults with learning disabilities;
- 'looked-after children';
- patients in hospital settings.

Guidelines For Good Practice In Confidentiality

Assume that all information that you learn in the workplace about clients, their relatives, colleagues and your employer is confidential.

All care providers have a policy on confidentiality – read it and put it in to practice. If you do not know if it is alright to repeat something you have been told or have seen, ask your supervisor or a more experienced worker who is involved in the care of the client.

REMEMBER

Think – then speak. A thoughtless comment in the wrong place could result in a serious breach of confidentiality.

The Care Standards Act 2000

The Care Standards relate to the type of setting in which you are working. They cover all aspects of care in a wide range of care settings in England including:

- residential care of older people;
- foster care;
- care of adults with learning disabilities.

Hospitals have to demonstrate that they are working in accordance with Department of Health guidelines. Most qualifications and induction training that you get as a care worker will make reference to the Care Standards. Nursing, physiotherapy and medicine have their own professional bodies' codes of practice. You need to show that you understand and can put into practice these standards. Some standards directly refer to issues of confidentiality:

- Privacy and dignity.
- Record-keeping.
- Protection from abuse.

The Data Protection Act 1998

The Data Protection Act 1998 gives the only statutory right to confidentiality in UK law. It has updated and incorporates:

- access to Personal Files Act 1987;
- access to Personal Files Act 1988;
- access to Health Records Act 1990.

All information kept about clients or patients, either electronically or on paper, is subject to the Act. The following are some of the key points of the Act. Ensure that you are fully aware of these points in your work with clients:

- An individual has the right to know what information is being kept on them and the right to see it.
- An individual can refuse to give information.
- An individual has a right to know that any information you keep on them is factual and up to date. Your opinion is not acceptable.
- An individual has the right to know how long you are going to keep the information and where you are going to keep it.
- An individual has the right to know who you are going to share their information with.
- An individual has the right to know that you will not pass on their confidential information to anyone else not directly involved in their care; this right is waived if the safety and protection of the client or others are affected and if the law has been broken (Public Interest Disclosure Act 1998)
- Adults have the right to choose who has access to their information; they may refuse to allow a relative or close friend to have any personal information about themselves.

Where can I find more information?

Things to research

You should now have a good understanding of confidentiality, but to assist your studies and to learn more you may like to explore the following topic areas.

Legislation

- UN Convention on the Rights of the child
- Children Act 1989
- Children Act 2004
- Data Protection Act 1984 and amendments
- The Care Standards Act 2000

For specific legislation visit www.hmsso.gov.uk

For detailed information about all aspects of 'Every Child Matters' use this website: www.everychildmatters.gov.uk

Codes of conduct

- The General Social Care Codes of Conduct www.gsc.org.uk
- Twelve principles of Social Work Practice, British Association of Social Workers (BASW). Code of Conduct on Confidentiality of Social Work Records, Social Work Services group 1989
- UKCC Code of Professional Conduct 1992 www.nmc-uk.org
- UKCC Guidelines for Professional Practice 1996 www.nmc-uk.org

Other concepts that are important to confidentiality

- The care value base
- The National Minimum Standards www.csci.org.uk
- Induction and Foundation Standards topssengland.net
- The National Occupational Standards topssengland.net

For general information to do with confidentiality visit:

www.gmc-uk.org/standards/secret.htm

www.nhsia.nhs.uk/confidentiality/pages/default.asp

www.dh.gov.uk/Home/fs/en

www.dataprotection.gov.uk

Confidentiality: Linking theory to practice

Key Skills and Skills for life mapping

The Appendix to the Learner Handbook for the Confidentiality Activity is designed to help learners to use the four sessions as an opportunity to acquire skills of literacy, language and numeracy (LLN), or apply their Key Skills at Levels 1 and 2.

The following tables show how the Key Skills and Skills for life standards relate to each other.

Key Skill of Communication	Skills for life of Literacy and Language
C1 Discussion	Speaking and listening
C2 Read and obtain information	Reading
C3 Write	Writing
Key Skill of Application of Number	Skills for life of Numeracy
N1 Interpret information	Measures, shape and space
N2 Calculations	Number
N3 Interpret results	Handling data

If you are constructing a portfolio of evidence for the main Key Skills of Communication (C), Application of Number (AoN) and Information and Communications Technology (ICT), you may be able to gain evidence by working through the learner handbook with support from your teacher or trainer.

If you wish to collect evidence, discuss this with your teacher or trainer in advance of the session. This is essential:

- to agree which Key Skills will be assessed;
- to agree which activities will be assessed;
- to agree how the evidence will be captured and recorded for assessment against the standards.

The grids below are only an indication of the Key Skills which it may be possible to assess during the various activities in the four sessions.

See Definitions for the relationship between Key Skills and Skills for life. All references are to Part B Key Skills.

Session 1

Underpinning knowledge

Learner activity	Communication			Application of Number			ICT		
	Discussion	Reading	Writing	Interpret information	Calculations	Interpret results	Find and select information	Enter and develop information	Present information
Discussion 1 The meaning of confidentiality	C2.1a C1.1		C2.3 C1.3						ICT1.3
Discussion 2 How information is passed on	C2.1a C1.1	C2.2 C1.2	C2.3 C1.3						ICT2.3.1 ICT2.3.2 ICT1.3.1
Discussion 3 Collecting or passing on information	C2.1a C1.1		C2.3 C1.3						
Discussion 4 How confidentiality can be improved	C2.1a C1.1		C2.3 C1.3						

See Definitions for the relationship between Key Skills and Skills for life. All references are to Part B Key Skills.

Session 2

Assessing the learning

Learner activity	Communication			Application of Number			ICT		
	Discussion	Reading	Writing	Interpret information	Calculations	Interpret results	Find and select information	Enter and develop information	Present information
Task 1 All groups	C2.1a.1 C2.1a.2 C2.1a.3								ICT2.3.1 ICT2.3.2
Task 2 All groups	C1.1.1 C1.1.2		C1.3.1 C1.3.3						ICT1.3.1
Task 3 All groups	C2.1a.1 C2.1a.2 C2.1a.3								ICT2.3.1 ICT2.3.2
Task 3 Group 1	C1.1.1 C1.1.2		C1.3.1 C1.3.2 C1.3.3						ICT1.3.1
Task 3 Group 1					N1.2.1 N1.2.2				
Groups 2, 3 and 4	C2.1a.1 C2.1a.2 C2.1a.3								ICT2.3.1 ICT2.3.2
	C1.1.1 C1.1.2		C1.3.1 C1.3.2 C1.3.3						ICT1.3.1

See Definitions for the relationship between Key Skills and Skills for life. All references are to Part B Key Skills.

Session 3

Carrying out the activity

Learner activity	Communication				Application of Number				ICT		
	Discussion	Reading	Writing	Interpret information	Calculations	Interpret results	Find and select information	Enter and develop information	Present information		
Whole class discussion	C2.1a C1.1								ICT1.3.1		
Evaluation and action planning	C2.1a C1.1		C2.3 C1.3			N2.3 N1.3		ICT.2.2	ICT2.3.1 ICT2.3.2		ICT1.3.1

See Definitions for the relationship between Key Skills and Skills for life. All references are to Part B Key Skills.

Session 4

Assessing the learning

Learner activity	Communication			Application of Number				ICT		
	Discussion	Reading	Writing	Interpret information	Calculations	Interpret results	Find and select information	Enter and develop information	Present information	
Answer questions A-E in small groups and record on flip chart	C2.1a.1 C2.1a.2 C2.1a.3 C1.1.1 C1.1.2		C1.3.1							
Whole group summary of how much has been remembered (see notes below)				N2.1.1 N2.1.2 N1.1.1 N1.1.2	N2.2.1 N2.2.2 N1.2.1 N1.2.2	N2.3.1 N2.3.2 N2.3.3 N1.3.1 N1.3.2 N1.3.3 N1.3.4		ICT2.2.1 ICT1.2.1 ICT1.2.2	ICT2.3.1 ICT2.3.2 ICT1.3.1	
Learners make individual action plans (see notes below)			C2.3.1 C2.3.2 C2.3.3 C2.3.4 C1.3.1 C1.3.2 C1.3.3						ICT1.3.1	