

<b>Title of Policy:</b>	<b>Record Keeping – Clients and Staff</b>
<b>Section:</b>	<b>Operations</b>

## Purpose

To provide a detailed understanding of the various records kept by the Company relating to the conduct of its business, together with a description of their purpose and the need to establish and maintain strict levels of confidentiality.

## Statement

It is imperative that the conduct of business undertaken by the Company is properly recorded in accordance with established good practice and regulatory requirements. This policy outlines many of the most important subjects where accurate records need to be kept and maintained, whilst at the same time acknowledging the requirements of the General Data Protection Regulation and the Data Protection Act 2018 in relation to the collection, maintenance and disposal of personal and sensitive personal data, and the need to provide privacy notices to both Staff and Clients in order that they understand what information is being kept about them, and the purposes for which the information is kept. All Clients and Staff will be given the opportunity to give, or withhold consent as they wish.

All personal data obtained and held by the Company, and relating to both Clients and Staff will:

- be processed fairly, lawfully and in a transparent manner;
- be collected for specific, explicit, and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes of processing;
- be kept accurate and up to date. Every reasonable effort will be made to ensure that inaccurate data is rectified or erased without delay;
- not be kept for longer than is necessary for its given purpose;
- be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures;
- comply with the relevant GDPR procedures for international transferring of personal data, where appropriate and relevant.

The Company has produced a detailed policy relating to the confidentiality of Client information, which states:

*The Company understands and accepts its legal, moral and ethical duty to protect information which is confidential to its Clients, employees and all others with whom it comes into contact during the course of its operations. Everyone employed within the Company is under a strict obligation to adhere to the practices and principles outlined within this policy statement. Any breaches will be dealt with under the Company's disciplinary policy.*

## Procedure and Guidance

### The General Data Protection Regulation (GDPR)

The Company makes a commitment to ensuring that personal data, including special categories of personal data and criminal offence data (where appropriate) is processed in line with the GDPR and domestic laws and all its employees conduct themselves in line with this, and other related, policies.

Where third parties process data on behalf of the Company, (such as, for example, an “Umbrella Body” in connection with criminal records) the Company will comply with its obligations in order to ensure that the third party takes such measures to maintain the Company’s commitment to protecting data.

In line with the GDPR, the Company understands that it will be accountable for the processing, management and regulation, storage and retention of all personal data held in the form of manual records and on computers, and which relate to both Clients and Staff, **ensuring that information may only be accessed by those with the clear right to do so.**

The Company’s policy on Confidentiality states:

*The Company understands and accepts its legal, moral and ethical duty to protect information which is confidential to its Clients, employees and all others with whom it comes into contact during the course of its operations. Everyone employed within the Company is under a strict obligation to adhere to the practices and principles outlined within this policy statement. Any breaches will be dealt with under the Company’s disciplinary policy.*

The Company’s Data Protection Policy should be read in conjunction with this policy.

### **Records - Staff**

The Company strives to maintain accurate and comprehensive records which relate to the management of its employees, from recruitment through to termination.

It follows that all records relating to employees fall under the auspices of the GDPR, and as such all employees will be given the opportunity to consent to the processing of such data via **consent forms** developed for:

- a) New employees;
- b) Existing employees (as GDPR places additional obligations which were not contained within the Data Protection Act 1998);
- c) Leavers; and
- d) Unsuccessful Job Applicants.

### **Employee Privacy Notices**

Employee Privacy Notices are required under the GDPR so as to advise employees of what personal information is kept about them, and why.

We hold many types of data about employees, including [**delete and add** points from the list as appropriate]:

- your personal details including your name, address, date of birth, email address, phone numbers;
- your photograph;
- gender;
- marital status;
- dependants, next of kin and their contact numbers;
- medical or health information including whether or not you have a disability;
- information used for equal opportunities monitoring about your sexual orientation, religion or belief and ethnic origin;
- information included on your CV including references, education history and employment history;
- documentation relating to your right to work in the UK;
- driving licence;
- bank details;
- tax codes;
- National Insurance number;

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- current and previous job titles, job descriptions, pay grades, pension entitlement, hours of work and other terms and conditions relating to your employment with us;
- letters of concern, formal warnings and other documentation with regard to any disciplinary proceedings;
- internal performance information including measurements against targets, formal warnings and related documentation with regard to capability procedures, appraisal forms;
- leave records including annual leave, family leave, sickness absence etc;
- details of your criminal record;
- training details;
- CCTV footage;
- building entry card records;
- Staff rotas.

### **Records which help maintain a professional relationship with staff**

The following records help to encourage and maintain a professional working relationship with staff, and underpin the Company's efforts towards excellence in the delivery of its services:

#### **Qualifications, skills, competence and experience**

Every employee has a personnel file which houses the documentation which provides evidence as to the qualifications, skills, competence and experience **relevant to the role** that they undertake within the Company. These records are secure, kept in lockable cabinets and may only be accessed by those with a specifically identified need.

#### **Criminal Records**

The Company is under a legal obligation to ensure that all employees in qualifying positions are suitable for the role, and critically, are not barred from undertaking the relevant employment with the Company. As such the Company obtains information on criminal records, and barred lists and employees are informed when such information is obtained. The Company has detailed policies in relation to the Disclosure process and the handling, storage and retention of the information obtained.

#### **Training Records**

The Company maintains records relating to the induction, education and training of staff. Its policy on learning and development states:

*The Company recognises that its employees, with their high level of commitment, skills and abilities are its most valuable resources. Always operating within its means, the Company is keen to help employees develop and to bridge any gaps in knowledge and skill that are required to assist it to achieve its objectives, remain up-to-date and serve its Clients to the very best of its abilities.*

*Training will be work-orientated and have a discernible benefit for both the Company and its employees in the foreseeable future: for example, it may be concerned with the development of specific skills or gaining information directly related to the job. It may also be concerned with the development of individual confidence, interpersonal skills and knowledge appropriate to both current and future roles.*

To support these objectives the Company will, for each employee, maintain:

- a) A record of training needs/opportunities gathered as part of the regular supervisory activities and the performance improvement programme;
- b) Learning and Development plans;
- c) Learning and development undertaken.

#### **Discipline and Grievance**

The Company will keep records relating to all matters considered under the Company's disciplinary and Grievance Procedures.

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## **The views of staff**

The Company is regularly engaged in identifying areas where the service can be improved. As far as staff are concerned, their views may be obtained informally, through discussion, or formally through the supervisory/performance improvement programmes. The views of staff are also sought through questionnaires related to the Quality Assurance process we undertake.

The Performance Improvement Programme will involve:

- a) A written record (self-assessment) from the employee's perspective;
- b) A formal discussion;
- c) A written record (review) from the Supervisor/Manager;
- d) A written Action/Training and Development Plan.

## **Supervision**

Formal and informal notes will be kept on an employee's personal file as they relate to information obtained via the informal and formal supervisory sessions, and which may be used as supporting documentation to the Company's Performance Improvement programme.

## **Records - Clients**

### **Good Governance – Duty of Candour**

The Company's policy on the duty of candour states:

*The Company will operate its affairs with complete honesty and transparency. In situations where the Company is made aware that something untoward has happened, it will treat the matter seriously, and immediately consider whether this is a notifiable safety incident and take appropriate action in accordance with this policy statement.*

Where a notifiable incident occurs, then the Company will record all information which is obtained about the incident, the investigation, the findings and the actions which result, as well as all correspondence with the individual who was subject to the incident and how the matter was resolved.

## **Handling Complaints**

The Company's policy on complaints states:

*The Company strives to achieve the very best outcomes for its Clients all of the time. However, on occasion, things can go wrong, and as such, may be the subject of a complaint. If they do, we need to know about it so we can put it right, learn from our mistakes, and implement organisational, procedural or operational changes so as to reduce the potential for complaints in the future. It is the Company's commitment to:*

- *always take complaints seriously and investigate them fairly;*
- *deal with complaints according to this procedure, unless they are relatively minor;*
- *treat complaints confidentially;*
- *never discriminate against a Client for making a complaint;*
- *ensuring that Clients know of the existence of this policy, and how to make a complaint if they wish to do so.*

*Complaints may be made directly by Clients, or they may be made on behalf of a Client if the Client is unable or unwilling to undertake the process alone.*

All complaints will be recorded alongside a record of how the complaint was dealt with, what action was taken as a result (if any) and any new measures adopted so as to reduce or eliminate the potential for recurrence.

## Quality Audits

The Company's Mission includes the desire:

To be recognised within the local community as the provider of choice.

Quality of service is paramount to this objective and as such regular focused questionnaires will be provided to Clients, other stakeholders and staff. These questionnaires seek to establish areas where the Company excels (do more of), and areas of weakness (identifying areas for improvement). Feedback is to be given to all participants, and appropriate action plan developed. Records will be kept for as long as deemed necessary, and must be available for inspection.

## Health and Safety

The Company has robust procedures which aim to identify and record any risks to the health, safety and welfare of its Clients and Staff. The Company's policy on Risk Assessment states:

*There is a general legal requirement to carry out suitable and sufficient risk assessments of all activities undertaken by an organisation. **If there are five or more employees and there is a significant risk to the health and safety of those employees, or any others, the risk assessment must be recorded.***

In line with this legal requirement the Company will record all risk assessments and maintain an ongoing review. The Company undertakes and records a detailed risk assessment for Clients prior to the commencement of service. All staff are required to raise any safety concerns, **to record safety incidents**, concerns and near misses, and to report them internally and externally where appropriate. Where investigations take place, then these will be recorded, along with outcomes, any modifications to risk assessments, safety procedures etc.

## Mental Capacity Act

Where Clients are assessed as lacking in capacity to make certain decisions in respect of their care, then where the Company is involved, all information relevant to the situation, such as the reason for the concern, what action was taken etc, will be accurately recorded in line with guidance and regulation.

## Restraint

Where a Client is restrained, then records will be kept in accordance with the Company's policy – Challenging behaviour and Restraint - which states:

It (the restraint) must be recorded, with details including:

- The names of all persons involved;
- Date and time of the restraint;
- Description of what happened
- Why restraint was necessary,
- What other options were considered;
- A description of the restraint used;
- How it ended
- Information about any injuries, how and to whom, and any medical attention received.
- What may have been learned from the incident;
- Recommendations as to future care needs and solutions

## Safeguarding

The Company will ensure that all allegations and incidents (related to safeguarding, and including alerts, investigations, outcomes and notifications) are recorded both in house and on the personal file of the Client.

## Business Continuity

The Company's policy on Business Continuity and Disaster Recovery states:

*There will be occasions when the conduct of business is severely disrupted by events which are outside of the control of the Company, yet can be foreseen, to some degree. The most common events which are likely to impact the Company include extreme adverse weather conditions (e.g. severe snowfall, flooding, heatwave), serious medical events such as a flu pandemic, terrorist incidents, and significant power failures. All of these events are possible, yet the likelihood of any particular event will be different, not only in respect of the event itself (severe snowfall is more likely than a terrorist incident, for example), but also in respect of local climatic conditions (severe snowfall is more likely on the English/Scottish borders, than say the South West of England). In order to ensure continuity, even in extreme adverse circumstances, the Company will plan for the most likely events and consider, in advance what actions need to be taken to minimise disruption.*

These plans will be recorded and available as required.

## Personal records relating to Clients

The Company is required to maintain securely an accurate, complete and contemporaneous record in respect of each Client, including a record of their care and treatment and of decisions taken in relation to the care and treatment provided. These records will generally relate to the following subject areas:

- a) Advance decisions in relation to future care arrangements;
- b) Advocacy records;
- c) Client Assessments prior to service delivery;
- d) Communication needs;
- e) Concerns or worries expressed in relation to aspects of the Client's health, and care;
- f) Consent records;
- g) Correspondence in relation to the Client;
- h) Feedback on service quality and delivery;
- i) Financial transactions;
- j) Health and Safety risk assessments for Clients, and reviews;
- k) Medicine administration records;
- l) Personal Care Plans, including details of any reviews;
- m) Records of care delivered (activity logs);
- n) Records of discussions with Clients, their Carers and those lawfully acting on their behalf;
- o) Register of significant decisions made in respect of a Client's best interests.

The list is indicative, and not exhaustive.

<b>KLOE Reference for this Policy</b>	<b>Regulation directly linked to this Policy</b>	<b>Regulation(s) relevant to this Policy</b>
<b>Well-Led</b>	<b>Regulation 17: Good governance</b>	