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# Institute of Public Care Confidentiality Policy

This policy is applicable to all programmes of study within the Institute. The relevant professional statutory regulatory bodies confirm the importance of confidentiality. Accordingly this policy should be read in conjunction with the guidance available from NHS England, the Care Council for Wales (CCW), the Health and Care Professions Council (HCPC), and any other relevant professional bodies.

## What is confidential information?

The NHS Confidentiality: Code of Practice states that a duty of confidence arises when one person discloses information to another in circumstances where it is reasonable to expect that the information will be held in confidence (Department of Health 2003). Although all employees working in the NHS are “bound by a legal duty of confidence to protect personal information they may come into contact with during the course of their work” (NHS England 2014, p6), it is a requirement within common law duty of confidence and the Data Protection Act 1998 as well.

The Health and Care Professions Council (2012) maintains that a duty of confidence is a legal obligation and professional requirement for nursing, health and social care professionals entrusted with any information about patients and service users of health and social care services in the course of their duties. People who use services expect the health and care professionals involved in their care or who have access to information about them to protect their confidentiality at all times (HCPC 2012, p4).

The Care Council for Wales in its Code of Professional Practice for Social Care states that “you must strive to establish and maintain the trust and confidence of individuals and carers. This includes... respecting confidential information and clearly explaining policies about confidentiality to individuals and carers” (CCW 2015, p8).

People entrust professionals with sensitive information and “have the legitimate expectation that staff will respect their privacy and act appropriately” (Department of Health 2003, p11) and that information is confidential unless otherwise agreed in advance. Personal information should not be disclosed unless:

- The person agrees
- There is a legal obligation to do so
- There is an overriding public interest or a duty to protect individuals from harm

People have a right to object to the disclosure of confidential information that identifies them, and you must gain consent for using it in ways that do not directly contribute to care such as in assignments, reports, projects or dissertations.

## Assessment requirements

Students must not submit for assessment work that includes confidential information in either assignments or appendices. Patients and people who use services must not be named or identified in any way:

- Remove names and addresses, identification numbers and any other form of identification from your work that could lead to the identification of a patient or individual who uses services.
- Exclude detailed descriptions of personal or family backgrounds or specific data that could lead to the identification of patients or people who use services.
- Replace actual names with pseudonyms if writing about a particular person and state as early as possible in the assignment that the name(s) used is/are fictitious. Unless a declaration is made that a pseudonym has been used for a patient or person who uses services, assessors will assume that confidentiality has been breached.
- Assessors will not seek to verify confidentiality on your behalf, but will delete and disregard any information, such as an appendix, that includes confidential information. This may affect your grade.

We would also encourage you not to name colleagues, particularly if reflecting on their performance or competence in your assignment. Refer to members of staff as a 'colleague' or by job title or by a first name only or X and Y or use a pseudonym.

### References and further guidance

Care Council for Wales (2015), Code of Professional Practice for Social Care.  
Department of Health (2003), Confidentiality: NHS Code of Practice.  
Department of Health (2007), Making Decisions: A Guide for People who Work in Health and Social Care.  
Health and Care Professions Council (2012), Confidentiality – Guidance for Registrants.  
NHS England, (2014), Confidentiality Policy, NHS England.