

***Practice* Based Scenario**

**Confidentiality and duty of care**

**About this document**

This document is designed to take you through a practice-based scenario to help you reflect on what you might do if faced with a similar situation. It can be used to guide your thoughts and prompt discussion with your colleagues. Working through this document counts towards your continuing professional development (CPD). Your reflections on this document are not assessed and you do not have to send your responses to the RCSLT.

You can work through it on your own, with a colleague or supervisor, or in groups, eg as part of an RCSLT Hub or Clinical Excellence Network.

This document is broken into five parts:

1. **The scenario:** for you to read
2. **The issues to consider:** for you to gather your thoughts on practice issues relating to this scenario
3. **Next steps:** for you to plan out what you would need to do next
4. **Prompts for consideration:** RCSLT prompts for further consideration
5. **Sources of further information:** links to CQ Live themes
6. **Update your CPD diary:** for you to do
7. **The scenario**

**You over hear two members of staff discussing a patient in the canteen over their lunch. They only use the first name of the patient.**

**The discussion includes information about their cognitive skills and personal family circumstances.**

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**What do you do in this scenario?**

1. **The issues to consider**

**What do you need to consider?**

Think about the above scenario and its implications and jot down your notes about issues you may need to consider. Please feel free to use extra sheets of paper if you need. Or, if you are in a group, you may like to record on a whiteboard or flipchart.

1. **Next steps**

**What steps do you think you need to take next?**

1. **Prompts for consideration**

What is your duty of care in this kind of scenario?

Remember that if you are faced with a similar situation you will need to think about it in relation to the frameworks within which you work, such as the Health and Care Professions Council (HCPC) Standards, RCSLT professional guidance and resources, local and national policies and also policies of your employer (or your own policies if practising independently). Use the relevant resources available on this website and the list of prompts that follow, to help with your thinking.

You need to be aware of the [HSCIC Code of Practice on Confidential Information (2014)](https://digital.nhs.uk/cop) and consider [HCPC Standards of Conduct, Performance and Ethics (2016)](http://www.hcpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/)

It is recommended that you think about the following prompt questions and formulate a considered strategy to deal with the problem.

Please note that this list is not exhaustive and does not constitute legal advice.

**Prompt questions to consider**

1. Is this an appropriate disussion?
2. Is this an appropriate location for a discussion?
3. Should you confront the staff having the discussion?
4. Should you inform the patient/ your manager/ ward manager?
5. Should you act at all on the over heard information?
6. What are the HCPC standards relating to confidentiality?
7. How does confidentiality related to duty of care if this patient is not on your caseload?
8. Should the event be documented?
9. What other services could/ should be involved?

**Possible next steps**

1. Confront the members of staff.
2. Contact your manager for advice on how to act.
3. Complete an information risk form.
4. **Sources of further information**

**The following information in the professional accountability and autonomy, and professional guidance sections of the RCSLT website is also particularly relevant:**

1 – [Promote and safeguard the interests of service users and carers](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-5)

2 - [Communicate appropriately and effectively](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-6)

6 - [Manage risk](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-10)

10 – [Record keeping](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-14)

[Duty of care](https://www.rcslt.org/duty-of-care)

[Confidentiality](https://www.rcslt.org/confidentiality)

**External resources:**

[HCPC Confidentiality - Guidance for Registrants](http://www.hpc-uk.org/registrants/standards/confidentiality/)

1. **Update your CPD diary**

Working through this scenario counts towards your continuing professional development (CPD). Once you have completed this scenario, please record this learning and your reflections in your CPD diary.