



ACES Ltd	Policy Number 3.18	Version 1 (Review in 12 mths)
Policy Type : Recording and Reporting/GDPR	Record Keeping	Reviewed by MH 31/01/2024

Purpose

To provide a detailed understanding of the various records kept by Anglia Ear Care Solutions Ltd 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 Anglia Ear Care Solutions Ltd 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. 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 patients in order that they understand what information is being kept about them, and

the purposes for which the information is kept. All Patients and Staff will be given the opportunity to give or withhold consent as they wish.

All personal data obtained and held by Anglia Ear Care Solutions Ltd, and relating to both Patients 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.

Anglia Ear Care Solutions Ltd has produced a detailed policy relating to the confidentiality of Patient information, which states:

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

Procedure and Guidance

The General Data Protection Regulation (GDPR)

Anglia Ear Care Solutions Ltd 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 Anglia Ear Care Solutions Ltd, (such as, for example, an “Umbrella Body” in connection with criminal records) Anglia Ear Care Solutions Ltd will comply with its obligations in order to ensure that the third party takes such measures to maintain Anglia Ear Care Solutions Ltd’s commitment to protecting data.

In line with the GDPR, Anglia Ear Care Solutions Ltd 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 Patients and Staff, **ensuring that information may only be accessed by those with the clear right to do so.**

Anglia Ear Care Solutions Ltd’s policy on Confidentiality states:

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

Anglia Ear Care Solutions Ltd’s Data Protection Policy should be read in conjunction with this policy.

Records - Staff

Anglia Ear Care Solutions Ltd 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
- 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.

The type of data we may hold about staff/locums/employees, including:

- 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.
- 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.

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 Anglia Ear Care Solutions Ltd'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 Anglia Ear Care Solutions Ltd. These records are secure, kept in lockable cabinets and may only be accessed by those with a specifically identified need.

Criminal Records

Anglia Ear Care Solutions Ltd 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 Anglia Ear Care Solutions Ltd. As such Anglia Ear Care Solutions Ltd obtains information on criminal records, and barred lists and employees are informed when such information is obtained. Anglia Ear Care Solutions Ltd has detailed policies in relation to the Disclosure process and the handling, storage and retention of the information obtained.

Training Records

Anglia Ear Care Solutions Ltd maintains records relating to the induction, education and training of staff. Its policy on learning and development states:

Anglia Ear Care Solutions Ltd recognises that its employees, with their high level of commitment, skills and abilities are its most valuable resources. Always operating within its means, Anglia Ear Care Solutions Ltd 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 Patients to the very best of its abilities.

Training will be work-orientated and have a discernible benefit for both Anglia Ear Care Solutions Ltd 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 Anglia Ear Care Solutions Ltd 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

Anglia Ear Care Solutions Ltd will keep records relating to all matters considered under Anglia Ear Care Solutions Ltd's disciplinary and Grievance Procedures.

The views of staff

Anglia Ear Care Solutions Ltd 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 Anglia Ear Care Solutions Ltd's Performance Improvement programme.

Records - Patients

Good Governance – Duty of Candour

Anglia Ear Care Solutions Ltd's policy on the duty of candour states:

Anglia Ear Care Solutions Ltd will operate its affairs with complete honesty and transparency. In situations where Anglia Ear Care Solutions Ltd 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 Anglia Ear Care Solutions Ltd 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

Anglia Ear Care Solutions Ltd's policy on complaints states:

Anglia Ear Care Solutions Ltd strives to achieve the very best outcomes for its Patients 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 Anglia Ear Care Solutions Ltd'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 Patient for making a complaint;*
- *ensuring that Patients 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 Patients, or they may be made on behalf of a Patient if the Patient 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

Quality of service is paramount to this objective and as such regular focused questionnaires will be provided to Patients, other stakeholders and staff. These questionnaires seek to establish areas where Anglia Ear Care Solutions Ltd 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. Where services are subcontracted, audit results will be fed back in the governance meetings between the two organisations following the governance structure agreed.

Health and Safety

Anglia Ear Care Solutions Ltd has robust procedures which aim to identify and record any risks to the health, safety and welfare of its Patients and Staff. Anglia Ear Care Solutions Ltd'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 Anglia Ear Care Solutions Ltd will record all risk assessments and maintain an ongoing review. Anglia Ear Care Solutions Ltd undertakes and records a detailed risk assessment for Patients 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 and so forth.

Mental Capacity Act

Where Patients are assessed as lacking in capacity to make certain decisions in respect of their care, then where Anglia Ear Care Solutions Ltd 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.

Safeguarding

Anglia Ear Care Solutions Ltd 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 Patient. Safeguarding concerns should be submitted to the safeguarding lead. Further details can be found in the Safeguarding Adults policy.

Business Continuity

Anglia Ear Care Solutions Ltd'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 Anglia Ear Care Solutions Ltd, yet can be foreseen, to some degree. The most common events which are likely to impact Anglia Ear Care Solutions Ltd 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 Southwest of England). In order to ensure continuity, even in extreme adverse circumstances, Anglia Ear Care Solutions Ltd 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 Patients

Anglia Ear Care Solutions Ltd is required to maintain securely an accurate, complete and contemporaneous record in respect of each Patient, 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 medical arrangements
- b) Advocacy records
- c) Patient Assessments prior to service delivery
- d) Communication needs
- e) Concerns or worries expressed in relation to aspects of the Patient's health and care
- f) Consent records
- g) Correspondence in relation to the patient
- h) Feedback on service quality and delivery
- i) Financial transaction
- j) Health and Safety risk assessments for Patients 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 Patients, their Carers and those lawfully acting on their behalf
- o) Register of significant decisions made in respect of a Patient's best interests
- p) Test results of health surveillance
- q) Records of consultations, assessments and management plans

The list is indicative, and not exhaustive.

Confidentiality and Access

The OH clinical record will be "sensitive personal data" for the purposes of the Data Protection Act 2018 and as such cannot be processed without the consent of the employee. No confidential information from the clinical record should be passed to any other person outside the service without the written consent of the employee concerned, unless the disclosure is a requirement imposed by a judge or court of law; to satisfy specific legislative requirements; or due to someone exercising statutory powers that enable them to receive such information, i.e. a court order. An application for access to a record or to any part of a health record may be made to the holder

of the clinical record, if such a request is received, it should be forwarded to the Clinical Director for further guidance. No records should be given to a worker without their explicit consent.

Access by employees to their health records

The employee has right of access to their medical records under the Data Protection Act. All requests for access by patients shall be processed by admin staff, the requested notes copied and then directed through the Registered Manager, Maxine Jane Hart. Registered Manager, Maxine Jane Hart will check for references to third parties and for any information which could be harmful to their physical or mental health before signing and dating notes as 'cleared to send'. Under no circumstances must administrators respond to requests for access to medical records made by the employee or his/her agents without reference to Registered Manager, Maxine Jane Hart. In cases of doubt or when third party data is requested Registered Manager, Maxine Jane Hart will consult with the appropriate person. The process can be seen in the Subject Access Request Policy.

Deceased Persons

The Company will release medical records about deceased persons in accordance with the Access to Health Records Act 1990 only upon receipt of a valid written consent from the next of kin or other *bona fide* authority with the advice of the Legal Department if required.

Access to medical records by other Third Parties

Employers are not allowed access to the content of records about employees but are entitled to copies/additional copies of all correspondence with management regarding previously released and consented medical management reports. Employers are also entitled to check and audit storage facilities, provided medical confidentiality is maintained. Exceptionally the process of ill-health retirement may require copies of the entire OH medical records be sent to the Trustee appointed advisor. This will only be following the written consent of the individual, will be in unusual circumstances and only after an occupational physician has considered the circumstances. In the event of medical emergencies e.g., an unconscious patient where the Company holds relevant medical information/records, these may be released upon the decision of a responsible Occupational Physician or their deputy using professional discretion. Under the Data Protection Act it is also possible in exceptional circumstances to disclose medical records/medical information to third parties e.g.:

- A Court Order requiring disclosure
- Suspicion of terrorism under anti-terrorism legislation
- Necessary to fulfil statutory obligations regarding the protection of others e.g., DVLA
- Disclosure to the Police where failure to disclose would prejudice a criminal investigation.

These disclosures must only be made under the supervision of a responsible Occupational Physician and in many cases will not involve actual copies of records. The guidance of the General Medical Council will be followed. Disclosure of medical records/medical information is also acceptable under for Notifiable Disease reporting and RIDDOR reporting. It is good practice to obtain the individual's consent for RIDDOR and Notifiable Disease reporting.

Storage of Records

The Clinical Director is responsible for ensuring security and confidentiality is adhered too. Records should be kept secure at all times whether in paper or electronic format. The records for those working with current contracts will be retained in accessible format as a hard copy or electronic copy.

Paper and Electronic Records Procedure

Paper records written or printed should be stored in locked (preferably fire resistant) filing cabinets with a secure key system (a backup key needs to be stored in the main keyboard and labelled) limited to as few members of

the team as necessary. All cabinets to be locked with the keys stored in a secure area. The room in which the locked cabinets are contained is also to be locked when unattended. Records will not be left unattended on desks or photocopiers. All Electronic Records held by the Company, or staff working for or on behalf of the Company, should be saved securely with adequate access controls with restriction to specific functions and/or data. Password protection and encryption should be used to protect electronic data and end site security.

All records created will be processed and stored securely, as above, subject to arrangements on each site, paper records will be stored securely until the end of the contract. At which point they will be destroyed.

Retention of Health Records:

OH Records should be retained in line with the Data Protection Act, GDPR and other relevant Legislation. They may be crucial in legal proceedings, which can take place years after the employee has left the company. Health and Safety legislation reiterates the importance of retaining OH records for as long as possible, with the transferable information being kept for a minimum of 40 years after the date of the last entry, or longer if required by law. There are, for example, specific requirements under the Control of Asbestos at Work Regulations 1987 and the Control of Substances Hazardous to Health Regulations 1988.

Retention of records (GDPR)

Records of Leavers may be archived for which there is a register. Records where legal cases are on-going will be retained and filed in the section ‘Retain – Required for Legal Purposes’ of the administrators ongoing case file system. Records may only be sent to archive once the case is concluded or settled, even if the employee has left employment. Those records where there is a statutory requirement for record retention will be retained for the required period and so marked. They may be archived. If medical records are transferred to a new OH provider, a register (as above) is kept. Photocopies are made of the last two years to enable statutory returns to the HSE for Appointed Doctor work. (This is separate from any ‘health record’ retained by the employer as required by law e.g., as in COSHH).

Disposal or Destruction of Medical Records

It is vital that confidentiality is safeguarded always, and that the method used to destroy such records secures their complete illegibility. Currently this is to be done on-site at the Company by shredding. It is vital that confidentiality is safeguarded at every stage.

Cessation of Trading

In the event of the Company ceasing to trade, it is envisaged that all records would be transferred to another OH Provider, in line with current guidance. If, however the records are not to be transferred to another OH Provider nor are they required for retention by statute, the following options would become applicable:

- The records would be offered to the worker to retain
- The records would be offered to the workers GP (with consent)
- The records could be destroyed in line with retention requirements.

Records that do need to be retained under statute would be managed in accordance with current guidance and requirements. Advice would be sought at the time.

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