

## **Adult Social Care Staff Practice Directive- Changes to the current Adult Social Care Consent Model**

### **1. Purpose of practice Directive**

The Practice Directive contains important information on the changes to the opt out process for the South West London Wide 'Connecting Your Care' solution, which has been available to access via Mosaic since January 2020. These key changes are described in section 7 and 8 of this document.

The Practice Directive also provides additional information for staff on key changes relating to the way that we currently use personal information. As we know, there is no longer a requirement to obtain consent from individuals for the purposes of gathering and using personal information in support of direct care provision.

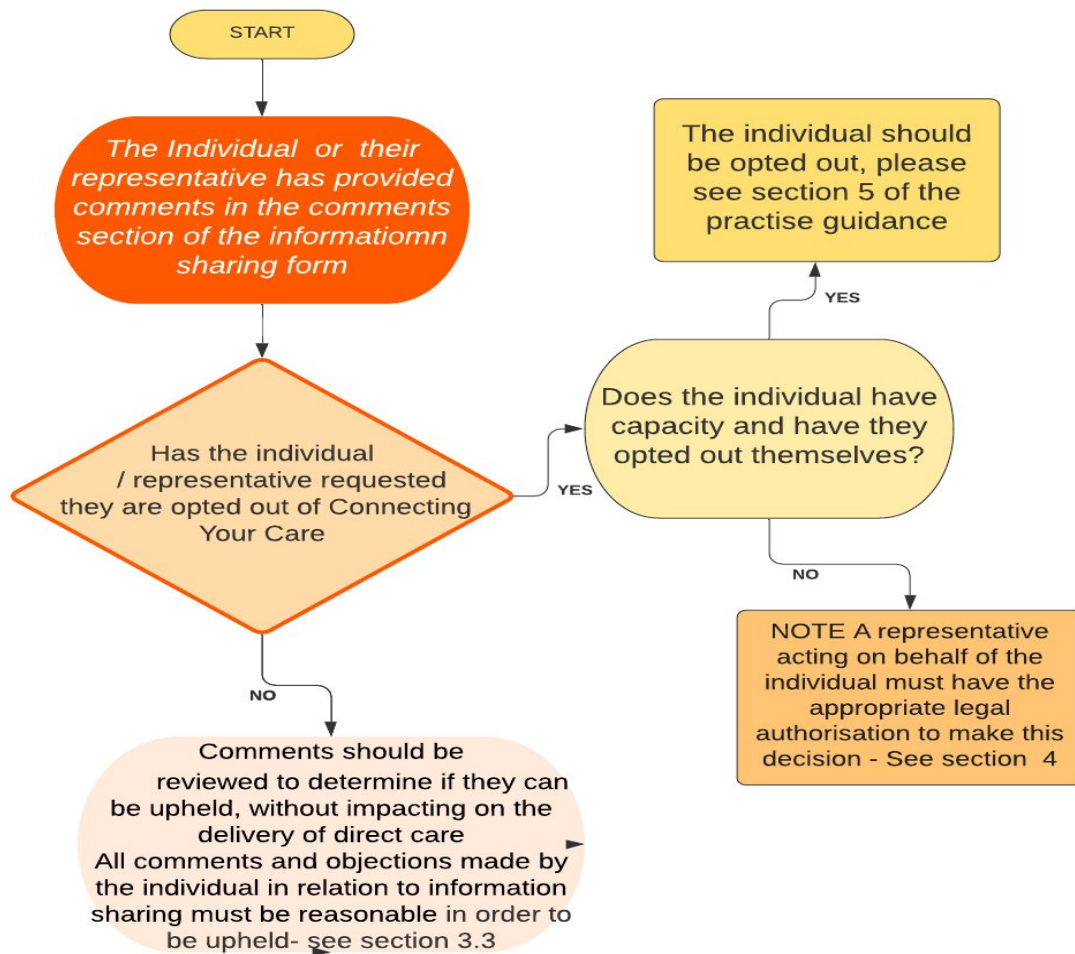
### **2. Information Sharing Declaration Form**

The previous 'Adult Social Care Consent form' was replaced earlier in the year with a document titled 'Information Sharing Declaration Form'. The Information Sharing Declaration Form has two main purposes;

- 2.1 To provide individuals with a clear description of how their information will be used for the purposes of providing Social Care Support to them.
- 2.2 To provide individuals with an opportunity to raise reasonable objections to the uses of their personal confidential information, **and in particular their Adult Social Care information being shared via the Connecting your Care shared care record.**

**The diagram on the following page provides a simple overview of the process that should be used by Adult Social Care staff to manage opt out for Connecting Your Care and any other objections to the uses of personal confidential information;**

## 2.3 Process Diagram; Opt Outs and objections to the uses of personal confidential Information.



## 3. Operational practice

- 3.1 For new service users a hard copy of the 'Information Sharing and Declaration Form' will be provided to individuals at the time their data is collected by the Social

worker completing the initial assessment. The Social Worker should ensure that Information Sharing is discussed with the Service User, and that they have an understanding about how their information will be used.

- 3.2 The service user should be asked whether they wish to make any comments in relation to Information Sharing, and these should be clearly noted in the comments box on the final page of the Information Sharing and Declaration Form'.

It is important to note that any objection raised in relation to the sharing of **Adult Social Care information via the Connecting your Care Solution must be clearly recorded in the comments box on the final page of the form.**

**A record of this objection will then need to be recorded by the Social Worker as an Opt Out in Mosaic, so that the individual's Social Care information is not shared as part of the Connecting Your Care shared care record.**

- 3.3 Aside from opting out of Connecting Your Care, if any further representations are made on the form by service users, then the social worker should note this on the Social Care Support System (currently Mosaic) and these comments should be reviewed to determine if they can be upheld, without impacting on the delivery of direct care to an individual. It is important to note the requirement that all comments, and objections made by the individual in relation to Information Sharing must **reasonable** in order to be upheld.

- 3.4 Service users will be asked to sign the declaration form to confirm that they have been provided with a copy of this privacy notice and understand how their personal information will be collected, kept and shared by the service.

#### **4. Service users who lack capacity**

- 4.1 In cases where the service user does not have capacity and an individual's representative raises an objection to the Adult Social Care record being shared as part of CYC, the representative must have the appropriate legal authorisation to make this decision.

Legal basis; Ordinary Power of Attorney (OPA), Enduring Power of Attorney (EPA), Lasting Power of Attorney (LPA) or Court appointed Deputy

Supporting evidence should be provided to confirm the legal status, and a copy of this documentation uploaded to Mosaic under the documents section. Accepted

evidence is as follows: a copy of the OPA, EPA, LPA or Deputyship Order and/or confirmation from the Office of the Public Guardian that the EPA or LPA has been registered and is valid.

4.2 In cases where a service user does not have capacity and there is no representative, the social worker should make a note in the comments section confirming these circumstances, including their name and date. Following this, information sharing in order to support the provision of direct care to the individual can take place.

## **5. Uploading the form to Mosaic and recording an individual's objection to sharing Adult Social Care information as part of the Connecting your Care shared care record**

5.1 The completed form must be uploaded to the Social Care Support System (currently Mosaic) , so that all staff involved in the individuals care provision have a clear record of information sharing being discussed, and any related comments.

5.2 If the individual has indicated within the comments section that they do not wish to share their Adult Social Care information as part of Connecting your Care, this must be clearly recorded in the ' Consent' area of Mosaic, as shown below:

### **Screen shots, step by step guide-**

A description of what a Social worker needs to do to note the objection of sharing Adult Social Care data within Connecting Your Care follows below:

Step 1) The Opt Out Check box can be found at the bottom right hand corner of the summary screen of the service user.

The screenshot displays the 'Person Summary' interface for a service user. The title bar reads 'Person Summary – MR Test Elvis Test Presley (180696)'. On the left is a navigation menu with categories like Person Details, Start, Case Notes, Documents, Visits, Education, Health, Consent, Legal Status, Offences, Registrations, Carer Data, Alerts History, Financial Assessment Results, File Management, Restrictions, Carer Search, and Groups. The main content area has two tabs: 'Summary' (selected) and 'Case History'. The 'Summary' tab is divided into several sections:

- Demographic Information:** Includes a photo upload area with the text 'Drag a photo here, or click to locate a photo to upload'. Below this, it lists: Context: Adult; Date of Birth: 21/10/1930 (89 years old); Gender: Female; Other Names: Test (Also Known As), Testing Test (Also Known As).
- Reference Numbers:** Lists 'Other References: Merged from person: 744895'.
- Current Work:** States 'No current work'.
- Current Communication Needs:** States 'Not available at this time'.
- Professional and Organisation Relationships:** Lists 'Main Worker: Tom Magill (Mosaic System Admin & Support)' and 'GP Locality: Beeches Surgery'.
- Classes:** Lists 'Service User'.
- Personal Relationships:** Lists 'Daughter of Eliz Yosma', 'Daughter of Louis Peardon', and 'Sister of Duncan Kereva'.
- Consent for sharing with health organisations:** Features a checkbox for 'Opted Out' and a 'Comment\*' text input field.

Step 2) In order to record an opt out, the Social Worker must **tick the opted out box and must submit a comment in the comments area.**

This comment must reflect whether ;

1. the individual has opted themselves out
2. or whether their representative has opted out on their behalf.

Please state in the comments box:

1. ' service user has opted out'
2. or ' Service users representative has opted out on the individuals behalf'.

1. 

The screenshot shows a blue header bar with the text "Consent for sharing with health organisations". Below the header, there is a checkbox labeled "Opted Out" which is checked with a blue tick. To the right of the checkbox is the text "Comment\*" followed by a text input box containing the text "Service user has opted out".
2. 

The screenshot shows a blue header bar with the text "Consent for sharing with health organisations". Below the header, there is a checkbox labeled "Opted Out" which is checked with a blue tick. To the right of the checkbox is the text "Comment\*" followed by a text input box containing the text "Service users representative has opted out on their".

### 5.3 Opting back into Connecting Your Care

If an individual has already opted out of Connecting your care & later wanted to change their mind and opt back into having their ASC data shared with CYC, the process is simple. To opt an individual back into Connecting Your Care, the tick symbol in the opting out area must be removed ( do this by clicking on the symbol) & the text box should be updated to indicate that the individual has opted back in.

Save the changes ( the save button is next to the comment box).

Opt out decisions and changes are stored and fully auditable within the system.

## 6. Annual Review

6.1 The Information Sharing Declaration must be completed at the following two points:

1. The first point of contact with the Service User
2. At each annual review point

In this way gradually every Adult Social Care service user will move onto the new template.

## 7. National changes being reflected in the Information Sharing Declaration Form

Recent changes, on a national level which affect the way we manage service user information. Details regarding the Connecting your Care Shared Record programme, and the National Data Opt Out, are provided below.

### 7.1 Connecting Your Care Shared Care Record

In Sutton, we have moved onto a new shared health and care platform known as 'Connecting Your Care' across South West London. This means an individual's hospital records can now be shared with other health and care professionals when needed, along with GP, community, mental health and social care records. As Connecting your Care progresses it will connect to other providers across south west London so that everyone involved in an individual's care will have the best information available to them to be able to make the best decisions for treatment.

7.2 The Connecting your Care system was introduced in Sutton in January 2020, with ASC data shared from September 2020. **It is important to note that the Local Authority will now be responsible for managing opt out objections to this system.**

If an Individual does not want their ASC information to be shared as part of the shared care record, this needs to be noted as an objection and their ASC data will be withheld

in Mosaic and not shared within the Connecting Your Care solution. The objection only applies to Adult Social Care information. If the individual does not want their health information shared, they will need to contact their GP Practice and the Patient Advice and Liaison Services (PALS) at the hospital they are receiving treatment.

## 8.2 National changes being reflected in the Information Sharing Declaration Form- National Data Opt Out

8.1 The National Data Opt Out provides individuals with the ability to stop their confidential information being used for research and planning activities (also known as secondary purposes). Examples of secondary purposes include:

- Improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

8.2 The programme aims to improve an individual's privacy by offering a single, simple opt-out that applies across health and care.

8.3 The National Data opt-out applies to data that originates within the health and adult social care system in England. The National Data Opt Out does not apply to Children's Social Care.

8.4 It is important to note that the Local Authority **does not** handle the opt out or objections for this programme, opt outs are managed centrally by NHS Digital. Any individual wishing to register their choice to opt out can do this online, at the following address <https://www.nhs.uk/your-nhs-data-matters/>. Individuals can also opt out by post, or by telephoning the NHS Digital Contact Centre on 0300 303 5678.

## 9. Removal of the requirement to obtain consent for direct care following GDPR

9.1 There is no longer a requirement to obtain consent for information sharing relating to the provision of direct care to an individual. Processing will now take place based on Article 9, 2 (h) of the GDPR, which allows information to be shared where it is necessary for the provision of Health or Social Care.

9.2 Whilst consent is no longer required, Article 8 of the European Convention on Human Rights and Data Protection Legislation requires reasonable objections to the disclosure of personal confidential data to be respected. For this reason there is a comments



section on the Information Sharing Declaration Form. It is important to note the requirement that all comments, and objections made by the individual in relation to Information Sharing must **reasonable** in order to be upheld. Social work professionals have an overriding responsibility to do what is in an individual's best interests. An individuals wish to opt out of the shared care record arrangement is deemed a reasonable objection and should be registered on Mosaic accordingly.

## 10 Summary

- 10.1 In summary, the removal of consent for direct care purposes, and the addition of the Information sharing comments section, should allow information to be approached in a much more relaxed way.
- 10.2 The information comments box on the Information Sharing Declaration form is the only area where Social Workers will be responsible for assessing and managing objections that are relevant to information sharing in respect of an individuals direct care provision, including Opt Out objections in relation to the Connecting Your Care shared care record.
- 10.3 Objections to the The National Data Opt Out are managed centrally by NHS Digital. Social workers will simply be directing individuals to the relevant place to register their opt out.