

GUIDANCE ON CBH CONSENT

FOR CBH REGISTERED OCCUPATIONAL HEALTH SERVICE PROVIDERS (OHSPS)

In order to comply with the Data Protection Act (DPA) and other relevant legislation concerning privacy, it is paramount that, when conducting health checks, an OHSP explains to the individual in terms that can be understood, how the data will be processed, stored and used as part of the 'informed consent' to be able to do so.

The OHSP must be satisfied that the individual understands and consents to the proposed health assessments and the process of storage and selective display of health data. The most important fact is that **ONLY** the health checks **RESULTS** and any work related recommendations are seen by Contractors or Managers. Personal health information will be fully protected within the database.

CBH are registered with the Information Commissioner and have a Data Protection Policy details of which are available from the CBH website at www.cbhscheme.com

Health checks in some cases are mandatory; depending on the work being undertaken e.g. work with Lead and Asbestos. Records of health surveillance and health assessments will be retained as appropriate within the organisations that need to have access to the data to demonstrate compliance with legislation.

Information to obtain the written consent to do a health check or to keep information on individuals should cover the nature, purpose, and risks of the process (it may be necessary to use drawings, interpreters or other means) to ensure that the person understands, and has enough information to make "informed consent", that is, there is an understanding of what the process involves and any possible outcomes from the health check, plus who can see what information on the database and via check a card system.

There is more than one piece of legislation covering privacy of health data; common law duty applies to keep employee records confidential. More information regarding types of consent and when each applies is contained in the CBH Industry Standards [\(page 25\)](#)

OHSPs should take reasonable steps to ensure that those who have access to personal information are aware of their duties under confidentiality (e.g. administrators, computer programmers etc) and confidentiality agreements for non-clinical staff should be obtained.

All health and medical records must be accurate and employees should know about the types of records kept and be given access to their own records on request.

It is of paramount importance that Individuals should understand that their health data will be kept securely on the CBH database and that the outcomes, i.e. conclusions of their health checks will be available to employers/site managers on production of their CSCS card/number or CBH card. Clinical information will also be available by future providers of OH services to allow for serial monitoring of work related health and to minimise unnecessary repeat health checks.

Individuals should also be informed that anonymised data may be used for statistical research purposes

CBH has taken care to provide this overview and guidance as a summary of the general rights and responsibilities of those concerned with health checks at the time of writing. However users are advised to check for updates and advice on individual cases. OHSPs are advised to ensure they comply with professional guidelines and take advice whenever necessary from the appropriate governing body.

The consent form when signed will give on-going permission for the OH provider to enter the health information onto the database whilst in the current employment or being self employed. A change of employer or becoming self employed will require a new consent form to be completed prior to information being entered on the database.

CBH request that the OHSP goes through Table 1 and the employee frequently asked questions (FAQ's) on health checks and consent with each individual, making every effort to ensure the individual fully understands the benefits of the process and thereby encouraging their participation with CBH.

Benefits of working with CBH:

- The health checks are necessary and relevant to the job
- The employer and the OHSP are working to the same standards for health checking
- Protection of health of the individual against work health risks
- No need to repeat health checks for each contract or when visiting a new site
- A way of keeping a record of work health over the years
- Tracking of personal health issues over time

TABLE 1: WHAT DO THE CONSENT WORDS MEAN?

CONSENT FORM	WHAT DOES IT MEAN?
<i>I have been told about this health check, the reasons for it and what records which will be kept and I agree to take part.</i>	This means that the nurse or doctor has told you about the health check, why you are having it and what it involves, also about what information will be recorded and kept whilst with my current employer or being self employed.
<i>In signing this form, I confirm my explicit consent within the meaning of the Data Protection Act 1998 for the Occupational Health Service Provider to process my personal information which includes computerising my personal and medical information. I understand that my information will be held securely and if I wish to gain access to my medical information I can do so by requesting it in writing</i>	This means that you agree for the nurse or doctor to hold your records and put your information on their computer system, they must make sure no-one else, non-medical, and this includes your employer, can see them, but should allow you to see your records if you ask them in writing. They may charge you £10 for this if copies of your records are required. Only qualified medical staff, or their administrators, will have access to your medical data.
<i>I confirm that I have been advised regarding the benefits of CBH</i>	<p>CBH is a national scheme that has been set up to improve construction workers health, by setting industry standards and building a database for the outcomes of workers health surveillance to be stored. This means that if you change job, or move to another site where health checks are carried out your results will be able to follow you, and be accessed by the next nurse or doctor when you have your next health check. This makes it better for you as you will not have to keep repeating health checks unless necessary.</p> <p>Your suitability to work with the hazards is entered onto the fully protected national database which means that a site manager will be able to check it is all right to let you do your work knowing that you have not previously been made ill by your work and need additional protection or controls in place so you are not further exposed. An example of this is where you carry out safety critical tasks, such as driving mobile plant or work in tunnels.</p> <p>Under no circumstances will your employer or a site manager be able to see your medical information as this is confidential between you and the medical professional such as a nurse or doctor. The information that your employer or site manager is able to receive is that you have had your health</p>

	check, how long it remains valid and your medical suitability to undertake the specific tasks in your job role.
<i>By signing the consent form, you are giving consent within the meaning of the Data Protection Act 1998 for the OHSP to enter the clinical results of health checks into the CBH database whilst in this employment or being self employed or future use by accredited OHSPs to facilitate precise monitoring of my health status.</i>	Some of the health checks need to be compared with previous ones. As we get older our results will change, so it is important to check that the results have only changed as we would expect. Therefore we can see by comparing the results whether there has been any unexpected change which could be a sign of work related ill health. This part of the consent means that you agree for the nurse or doctor that does the health check next time, to be able to ask CBH for previous results to make that comparison.
<i>Anonymised data may be made available to research bodies at any time for the purpose of research approved by an ethics committee</i>	It is likely that all of the data on the database might be used for research purposes to help cut down the number of people suffering work-related illness – information used would be anonymous so would not include your name – just a job role linked to general health information/results.
<i>I give my consent for the non clinical outcomes of the health checks to be made available via a smart card, website or telephone.</i>	This means that by having the outcomes of your health check available, NOT private medical information, the site manager can see that it is all right for you to go on site and work with the hazards mentioned before. Access to the information will be via a secure web site address or an app and by a few site personnel authorised by the employer or contractor.
<p>3 signatures required, which are:</p> <ol style="list-style-type: none"> 1. <i>Permission given to undertake a health check and to record the results on the CBH National Database</i> 2. <i>Permission to use your health information to investigate health issues in construction generally</i> 3. <i>Signing to say that the information is truthful and you will notify to OHSP of any health deterioration</i> 	<p>You are signing to say you understand why you are having the health check, where the information from the health check will be recorded and who will have access to the information in the future. Also any likely outcomes from the results being given to a line manager or contractor.</p> <p>Your name will not be used to identify you if research is undertaken</p> <p>The form also asks you to tell Occupational Health if your future health will affect your work</p> <p>You should sign all three parts of the consent if you are happy to do so but can also opt to sign only parts of the consent form. You can also withhold/withdraw your consent at any time.</p>
<i>OHSP to complete</i>	The Occupational Health Doctor or Nurse should sign this part of the consent to say that they have explained the consent form to you (employee/patient).