

Freedom of Information Request **19 151**

Our Reference: FOI 19 151 / AA / LB / HG
Name:
Date: 19 July 2019
Address:

Dear

Further to your Freedom of Information Request, please find the Trust's response below:

Would you please be able to provide the following information regarding appointments and / or consultations that are held in private settings (i.e. not settings where there is the potential for a breach of other patient's confidentiality (e.g. group therapy sessions or bays in accident and emergency departments)):

1) *Does your Trust allow patients and / or their nominated representatives to make audio recordings of their appointments and / or consultations with a member of staff when they ask the staff member if it is acceptable to do so?*

Humber Teaching NHS Foundation Trust does allow the audio recording of appointments or consultations in line with Trust procedures.

2) *Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies when a patient and / or their nominated representatives requests to audio record their appointment / consultation?*

This is covered in the Trust Photographing, Video and Audio Recording Procedure – Section 3.6. The procedure states:

Occasions may arise when the patient themselves wishes to make an audio or video recording of a consultation or conversation with a health professional.

There should be no restrictions on the patient doing this, providing that:

- the recording is done openly and honestly.
- the recording process itself does not interfere with the consultation process or the treatment or care being administered.
- the patient is aware that the misuse of a recording may result in criminal or civil proceedings.
- any recording is made for personal use only.
- the patient understands that a note will be made in their health record stating that they have recorded the consultation or care provided.
- the patient is reminded of the private and confidential nature of the recording and that it is their responsibility to keep it safe and secure.



3) Does your Trust allow patients and / or their nominated representatives to make video recordings of their appointments and / or consultations with a member of staff when they ask the staff member if it is acceptable to do so?

Humber Teaching NHS Foundation Trust does allow the video recording of appointments or consultations in line with Trust procedure.

4) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies when a patient and / or their nominated representatives requests to video record their appointment / consultation?

This is covered in the Trust Photographing, Video and Audio Recording Procedure – Section 3.6. Please see the response to question 2.

5) Does your Trust allow patients and / or their nominated representatives to make audio recordings of their appointments and / or consultations with a member of staff without informing the member of staff about it (i.e. a covert recording)?

Humber Teaching NHS Foundation Trust discourages the use of covert audio recording of appointments in line with Trust procedure.

6) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies if they discover a patient and / or their nominated representatives has audio recorded their appointment / consultation covertly?

This is covered in the Trust Photographing, Video and Audio Recording Procedure – Section 3.6. The procedure states:

Occasions may arise when the patient themselves wishes to make an audio or video recording of a consultation or conversation with a health professional.

There should be no restrictions on the patient doing this, providing that:

- the recording is done openly and honestly.

The Trust discourages patients/carers from covertly recording consultations/care and treatment by:

- taking proactive steps to investigate and address any issues regarding the patient's care and treatment.
- providing patients with extracts from their health record or full health record if requested by following the Access to Records Policy.
- advising patient's on how to complain if they have an issue with their care and treatment.
- directing carers/families members to the CQC guidance "Thinking about using a hidden camera or other equipment to monitor someone's care".

7) Does your Trust allow patients and / or their nominated representatives to make video recordings of their appointments and / or consultations with a member of staff without informing the member of staff about it (i.e. a covert recording)?

Humber Teaching NHS Foundation Trust discourages the use of covert audio recording of appointments in line with Trust procedure.

8) Could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that is used to inform staff of the policy / policies if they discover a patient and / or their nominated representatives has video recorded their appointment / consultation covertly?

This is covered in the Trust Photographing, Video and Audio Recording Procedure – Section 3.6. Please see the response to question 6.

9) Should your Trust's policies not allow patients and / or their nominated to make audio and / or video recordings (having informed the member of staff and / or covertly) of their appointments and / or consultations could you please provide a copy of your Trust's policies regarding what procedures



should be followed by both members of the Trust's staff and the patient and / or their nominated representatives where there may be a specific need for the patient and / or their nominated representatives to audio and / or video record their appointments and / or consultations (e.g. medical issues such as dementia, the patient having nobody available to act as an advocate for them or any other need identified by the patient and / or their nominated representatives)?

N/A

10) *Could you please provide a copy of the impact assessment undertaken of the policy / policies cited in response to question 9?*

N/A

11) *Should your Trust's policies not allow patients and / or their nominated representatives to make audio and / or video recordings (having informed the member of staff and / or covertly) of their appointments and / or consultations could you please provide a copy of the information that staff can give to the patient and / or their nominated representatives explaining why it is not allowed?*

N/A

12) *Should your Trust's policies state that it is for the staff member to decide whether they are prepared to allow appointments and / or consultations to be audio and / or video recorded by the patient and / or their nominated representatives could you please provide the name(s) of the policy / policies and a copy of the specific section of the policy / policies that states what procedures should be followed by both members of the Trust's staff and the patient and / or their nominated representatives when the member of staff states they are not prepared to be audio and / or video recorded but the patient and / or their nominated representatives are insistent on doing so?*

N/A

13) *Should your Trust have no policy regarding the situations as detailed in questions 1, 3, 5, 7, 9 or 12 could you please detail what procedures should be followed by both members of the Trust's staff and the patient and / or their nominated representatives should any of the situations detailed occur?*

N/A

Kind regards,

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<https://www.humber.nhs.uk/about-our-trust/freedom-of-information-enquiry-form.htm>



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