

Reference Number: FOI/2019/261
From: Other
Date: 01 July 2019
Subject: Recordings at appointment & consultations

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)):

Q1 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?

A1 General question rather than a request for information held by the Trust – The Freedom of Information Act 2000 (FOIA) provides a right of access any recorded information held by a public authority and to be valid under Section 8 a request must:

- be in writing;
- include the requester's name and an address for correspondence
- describe the information being requested

Q2 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?

A2 Information not held – see notes below

Q3 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?

A3 General question rather than a request for information held by the Trust – as per Q1

Q4 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?

A4 Information not held – see notes below

Q5 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)?

A5 General question rather than a request for information held by the Trust – as per Q1

Q6 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?

A6 Information not held – see notes below

Q7 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)?

A7 General question rather than a request for information held by the Trust – as per Q1

Q8 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?

A8 Information not held – see notes below

Q9 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)?

A9 Information not held – see notes below

Q10 Could you please provide a copy of the impact assessment undertaken of the policy / policies cited in response to question 9?

A10 Information not held

Q11 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?

A11 Information not held – see notes below

Q12 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?

A12 See notes below

Q13 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?

A13 See notes below

Notes

The Trust's Mobile Phone policy covers requests to record conversations, see policy section below. In addition to this our Complaint's policy covers requests to record complaints meetings, see policy section below.

We do not have a policy or procedure covering covert recording, if the recording was covert we would be unable to allow or prohibit the recording of appointments and / or consultations / conversations.

Whilst we do not have a specific policy or procedure covering requests to record appointments; consultations or conversations where patients have specific needs such dementia, we have safeguarding processes in place. Patients will be referred to the Safeguarding Team, who will review patient needs on a case by case basis and put in place any reasonable adjustments and support as appropriate depending on patient plan of care.

Using mobile phones to record conversations

On occasion, Staff may be asked if their conversations with relatives regarding a patient's condition can be recorded using a relatives mobile phone. The staff member should refer the relatives to the person in charge of the ward/dept. who will ascertain why the relatives want to record the conversation.

If a relative requires a recording of a conversation, a formal meeting should be arranged via the Customer Care team, who will facilitate and document the meeting. The recording of conversations on a mobile phone regarding a patient's condition is not permitted.

Complaint Meetings

Should the complainant request a meeting to resolve the concerns or any outstanding concerns following receipt of a written response, relevant medical and senior nursing staff will be required to attend. Head of Nursing/Associate Medical Director will chair the Meeting and other managers involved may be asked to attend the meeting. Meeting notes will be taken, which will not be verbatim but be a summary of the main points of the meeting, and a summary of any agreed actions will be documented. A copy of the agreed meeting notes will be sent to the complainant within 25 working days.

Should a request be made by the complainant to record the meeting, permission from all those in attendance should be sought with the agreement that the recording is made solely to capture discussions relevant to identifying and responding to issues raised in the complaint and it be agreed that this should not be used for any other purpose. Should the meeting be recorded by the Trust, a copy of the recording will be given to the complainant following the meeting.