Dear Freedom of Information Officer

I am writing to make a request for information that I am entitled to under the Freedom of Information Act 2000.

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?
   Yes.

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?
   CP54 – Use of Mobile Phone Policy
   CPG54 – Use of Mobile Phone Procedure

6.1 Overt patient recordings
Although we cannot place restrictions on a patient wishing to record notes of a consultation or conversation with a health professional, where it is felt absolutely necessary by the patient to do so, staff should ensure that:

- Any 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 understands that a note will be made in their health record stating that they have recorded the consultation or care being 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.
- Any recording is only made for personal use.
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?
Yes.

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?
Please see answer to Q2 – there is no distinction between audio and video recording.

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)?
Yes.

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?
CP54 – Use of Mobile Phone Policy
CPG54 – Use of Mobile Phone Procedure

**Covert patient recordings**
Although we cannot place restrictions on a patient wishing to covertly record a consultation or conversation with a health professional, where staff are aware that covert recording has occurred they should ensure that:

- The issue is discussed with the patient as per 6.1 above.
- Relevant staff should consider providing patients with a written record summary, and or a verbatim record (if practical) of their consultation for their own personal use.
- Patients are advised that they are entitled to see their notes, if they so wish, by informally asking the healthcare professional in charge of the consultation, or to request a paper copy of their medical notes formally through a Subject Access Request (SAR) made under the Data Protection Act 2018.
- Patients are given information on how they can complain if they have an issue with their treatment and care, and their attention is drawn to the relevant guidance from the Care Quality Commission (see below) and Information Commissioner’s Office.

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)?
Yes.
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? Please see answer to Q6 – there is no distinction between audio and video recording.

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)?
Not applicable.

10) Could you please provide a copy of the impact assessment undertaken of the policy / policies cited in response to question 9?
Not applicable.

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?
Not applicable.

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?
Not applicable.

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?
Not applicable.
Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link https://eput.nhs.uk