

OA Reablement Service	OA Day Care	OA Residential Care	Domiciliary Services	DMH Day Services	DMH Supported Living	DMH Residential Services	EIA'd
✓	✓	✓	✓	✓	✓	✓	✓

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PHOTOGRAPHY, VIDEO AND AUDIO RECORDING OF SERVICE USERS BY CUMBRIA CARE EMPLOYEE'S

POLICY

To ensure that the rights, privacy and dignity of service users are respected at all times.

PROCEDURE

Definition of recording

A recording is an image, photograph, video, voice recording etc of a service user. A recording can either be stored digitally or as a hard copy.

Accepted use of recordings

- A. Recordings may be used for a variety of purposes e.g. Identification purposes, medication, person centred care plans or documentation of **health and wellbeing concerns**.
- B. There may be other occasions when we would want to use recordings, these maybe as follows:
- Activities
 - Outings
 - Family / visitors
 - Newsletters
 - Award entries
- A service user can choose not to have their recordings used for the above purposes.
1. **The consent form (Appendix 1) must be completed with all service users on admission to the service. This document explains why the recording is being made, how it will be used and where the recording will be stored.**
 2. A copy should be made of the consent form and given to the person to keep for reference. The original should be filed on the service user's personal file.
 3. Where disability or illness prevents a service user from giving informed consent or where the service user lacks capacity, you must seek the agreement from someone close to the service user. A note of this must be made on the consent form and it must be signed and dated. Any consent on behalf of the person needs to be in their best interest.

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4. In accordance with the policy and procedure there are special reasons why photographs / recordings are needed. Some of these are recorded as above see A. There are other occasions recorded where the person can decline to have photos taken – see B above.
5. Service users must know that they are free to stop the recording at any time and that they are entitled to view or listen to it if they wish, before deciding whether to give consent to its use. If the service user decides that they are not happy for any recording to be used, it must be destroyed.
6. No recording should compromise the service user's privacy and dignity.
7. It should always be made clear to the service users that refusal to give consent will not affect the care and support they receive.
8. **Any recording must not be done on any member of staff's own device/s. All recording taken must be completed when required on a County Council device and stored as detailed below.**

Withdrawal of Consent

1. Other than recordings used for identification purposes, service users have the right to withdraw consent for use of their recordings at any time. If a service user decides to withdraw consent, the records must not be used and therefore either given to the service user or destroyed.
2. If families wish to have copies of records this will be agreed as part of the consent form.

Confidentiality and Service user Dignity

1. Images may form part of the service user's records and so come under the confidentiality procedure and the relevant parts of the **GDPR 2018**.
2. Misuse of any recordings will be considered a breach of policy and procedure and may lead to disciplinary action.

Retention and Storage of Images and Audio Materials

1. Only the current identification recording must be kept for the same period of time as the service user file. Recordings for other purposes, e.g. life story work should be destroyed once they are no longer relevant.
2. To ensure an effective audit trail, all photographs must be stored on the computer with limited access. Other recordings should be deleted if no longer relevant.

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- If the service user leaves the service the recordings must be deleted from the computer / memory card if no longer relevant.

Multimedia messaging service devices

- There is an increasing availability of multimedia devices with both still and video image capability. This equipment should not be used for any other reason other than work related activity and must only be used on Cumbria County Council equipment. This is due to the risks of:
 - Interception when sending to an e-mail address via the internet.
 - User typing the wrong number when sending to another phone.
 - Phone operators sending messages over an insecure link.
 - The phone being lost or stolen with images remaining in the memory.
- All work devices must be held securely.

Recordings done by service users themselves

- Occasions may arise when the service user wishes to record a consultation or conversation with a health professional.
- There should be no restrictions on the service user doing this provided that:
 - The recording is done openly and honestly
 - The member of staff / other service users concerned are in agreement with the record being made and it has been if necessary discussed with the manager / supervisor.
- A note should be made in the service user's file about the above.
- The service user should be reminded of the confidential nature of the recording and the need to ensure that it is their responsibility to keep it secure.

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