

Freedom of Information request 299-19

Request & Response

I am writing to make a request for information that I am entitled to under the Freedom of Information (Scotland) Act 2002.

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 Board 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?

Whilst there is no policy NHS Borders would allow patients or their nominated representatives to make audio recordings of their appointment/consultation if the member of staff is in full agreement. If they are not in agreement then we would support them should they advise the patient that they would not be able to continue with the consultation if the patient is insistent in making a recording.

- 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?

NHS Borders do not have a policy document.

- 3) Does your Board 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 provided the member of staff is in full agreement. If they are not in agreement then we would support them should they advise the patient that they would not be able to continue with the consultation if the patient is insistent in making a recording.

- 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?

NHS Borders do not have a policy document.

- 5) Does your Board 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)?

Should this be identified as happening or have happened this would not be supported.

- 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?

NHS Borders do not have a policy document.

- 7) Does your Board 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)?

Should this be identified as happening or have happened this would not be supported.

- 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?

NHS Borders do not have a policy document.

- 9) Should your Board'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 Board's policies regarding what procedures should be followed by both members of the Board'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)?

NHS Borders do not have a policy document.

- 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 Board'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?

NHS Borders do not hold any information that staff can give to the patient and / or their nominated representatives.

- 12) Should your Board'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 Board'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?

NHS Borders do not hold any information that staff can give to the patient and / or their nominated representatives.

- 13) Should your Board 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 Board's staff and the patient and / or their nominated representatives should any of the situations detailed occur?

Each case is considered on its own merit with staff being advised by Information Governance and Prevention and Management of Violence & Aggression Leads.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **299-19** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.