



## **Adult Social Care**

# **Recording Device Policy**

**Version 2**

Version: 2 FOI Status: Public	Derbyshire County Council Adult Social Care Recording Device Policy	Originally Issued: September 2017 V2 Issued: April 2023 Review Due: April 2025 Author: Quality and Compliance
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## 1. Introduction

Technology and ready access to surveillance equipment has made it easier for people to record their care and interactions with care providers. People, or families, who wish to put a camera or other surveillance equipment in their room or home should be supported with information on the impact this may have and supported to discuss any concerns they have.

This guidance sets out our obligations as a provider in line with the Care Quality Commissions (CQC) 'Using cameras or other recording equipment to check somebody's care'

## 2. The Recording of Meetings

Individuals who use our service, relatives or carers may want to record their social care meetings; this may also include aspects of their care. Unlike social care professionals, who must obtain consent to make visual or audio records, individuals do not need permission to record any aspect of their care. There are no specific legal requirements that cover anyone making a personal recording of their own care either overtly or covertly for their own private use.

Recordings made to keep a personal record of what a social care professional said are deemed to constitute 'note taking' and are permitted for this purpose. The recording of a meeting constitutes 'processing of personal data' under the [Data Protection Act \(DPA\) 2018](#) and has to comply with the acts' provisions.

Recording may help some individuals, especially those with specific communication needs. There is an expectation that the information they want or need to know is provided in a way they can understand and that arrangements are made, wherever possible to meet individual's language and communication needs.

If a colleague feels uncomfortable at the prospect, they should say so and let the person concerned know that they would prefer not to be recorded and why. If the person insists however, they still have a duty to that person to assess their social care needs.

Any visual or audio record is confidential to the person using our service who is recording, not the social care professional. The person recording can waive their own confidentiality and potentially disclose the details of their meeting with third parties. However, once a record is no longer used for the purposes of understanding their care the position may change. For example, if it is disclosed to cause detriment to or harass another party captured in the recording it may attract a civil action for damages and may also be a criminal offence or breach data protection legislation.

We are unable to prevent anyone from recording their meeting or conversation without our knowledge. However, we can discourage them from doing so by ensuring that they know:

- we promote the open and honest recording of meetings, where they feel it will help them to understand their care
- we will address any concerns about their care provision - to avoid them feeling that a recording is the only way to ensure action is taken

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- individuals are entitled to see, and are supported if they want to access their records
- individuals can make a complaint that will be investigated and addressed if they have an issue to raise

When done openly and honestly a visual or audio record of a consultation, care or treatment can benefit a person. There are some safeguards measures we can use to make sure they are successful and used appropriately:

- make sure the recording process does not interfere with the meeting or the care being given
- tell the person you'll make a note in their care records, acknowledging that the meeting or care has been recorded and how
- remind the person the recording is private, confidential, for personal use only and that it is their responsibility to keep it safe and secure

### **3. Use of Recording Equipment**

Clients retain the right to employ recording equipment within their own homes or their bedroom within a residential establishment, including the use of CCTV equipment and hidden cameras.

Staff are required to provide the highest quality care at all times, irrespective of the presence of recording equipment, which may be used to capture evidence of the quality or quantity of care provided.

Where it has been identified that a recording device is in situ, this must be reported immediately to a unit manager/domiciliary services organiser (DSO).

The unit manager/ DSO must escalate to the service manager. The service manager will consider further action, including the involvement of the respective social worker.

With support from a social worker, it may be appropriate to meet with the client and/ or family members to discuss any concerns they might have about the care being provided.

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Staff are required to provide the highest quality care at all times, irrespective of the presence of recording equipment, which may be used to capture evidence of the quality or quantity of care provided.

Where it has been identified that a recording device is in situ, this must be reported immediately to a unit manager/DSO.

The unit manager/ DSO must escalate to the service manager. The service manager will consider further action, including the involvement of the respective social worker.

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With support from a social worker, it may be appropriate to meet with the client and/ or family members to discuss any concerns they might have about the care being provided.

Where the unit manager has a concern, the unit manager should escalate to the service manager in the first instance. The service manager will consider further action, including the involvement of social workers.

With support from a social worker, it may be appropriate to meet with the person and/or family members to discuss any concerns they might have about the care being provided. If there are no safeguarding concerns, it will be important not to question the right of that person and/or family members to have recording equipment in place.

<b>4. Residential Establishments – Communal Areas</b>
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Recording equipment discovered within communal areas of the council’s residential establishments should be reported to the unit manager **immediately**.

The unit manager should **immediately** escalate any such discovery to the service manager for further action, including removal of the device.

<b>5. Day Service Establishments – All Areas</b>
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Recording equipment discovered within any area of the council’s day service establishments should be reported to the unit manager **immediately**.

The unit manager should **immediately** escalate any such discovery to the service manager for further action, including removal of the device.

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<b>Author History</b>
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**Approval and Authorisation History**

Authored by David Munslow	Project Manager	April 2017
Approved by Rob Moore	Group Manager	September 2017
Authorised by Quality and Compliance Group		September 2017

**Change History**

Version 1	December 2018	Rob Moore	Document published on DNET
Version 1a	October 2020	Emma Benton	Reviewed, no changes
Version 2	April 2023	Quality & Compliance	Reviewed, changes to language including replacement of the word client with individual / person