

Clinical photography/video/voice recording Consent Form 5

Before completing please refer to guidance overleaf re Mental Capacity

Pictures and recordings can be an important part of your clinical records. They also play a key role in the education of clinical staff and benefit future patients.

If you do not fully understand any part of this form, please ask.

If in future, you wish to withdraw your consent you have the right to do so at any time by writing to the Trust, however, when consent is given for open publication, full recovery of the image may not be possible.

Your choice of consent level, or refusal to give consent for B and C (see below) will not affect your treatment within the Trust in any way.

Consent type A: Case notes only

I understand that the photographs/video/voice recording requested, to which I have agreed, will form part of the confidential treatment records

Signature..... Date..... NHS no.....

Name of patient..... D.O.B.....

Name of signatory (if different)..... Status: patient/guardian/next of kin/other

Consent type B: Restricted educational use

I understand that the photographs/video/voice recording requested may be useful for the purpose of clinical teaching and research and in view of the explanation given to me, I agree that they may be shared with appropriate professional healthcare staff.

Signature..... Date..... NHS no.....

Name of patient..... D.O.B.....

Name of signatory (if different)..... Status: patient/guardian/next of kin/other

Consent type C: Open publication / Communication Materials

I understand that the photographs/video/voice recording requested here are required for individual communication aid/publication in a journal, textbook, as part of a display or information leaflet or on an open access web site (delete as appropriate), which may be seen by members of the general public as well as medical professionals. To this I give consent

Signature..... Date..... NHS no.....

Name of patient..... D.O.B.....

Name of signatory (if different)..... Status: patient/guardian/next of kin/other

To be filled out by requester

I confirm that I have explained the purpose of photographs/video/voice recording and where appropriate, discussed the possibility of their use in clinical education and publication.

Name..... Signature..... Date

Job titleSpeciality

Photographs/video/voice recording taken by

Please state name..... Original files will be located in.....

ADVICE TO STAFF

CLINICAL PHOTOGRAPHY AND CONVENTIONAL OR DIGITAL RECORDINGS

1. Photographic, video and voice recordings made for clinical purposes form part of patient's record. Although consent to certain recordings, such as X-rays, is implicit in the patient's consent to the procedure, health professionals should always ensure that they make clear in advance if any photographic or video recording will result from that procedure.

2. Photographic and video and voice recordings which are made for treating or assessing a patient must not be used for any purpose other than the patient's care or the audit of that care, without the express consent of the patient or a person with parental responsibility for the patient. The one exception to this principle is set out in paragraph 3 below. If you wish to use such a recording for education, publication or research purposes, you must seek consent in writing, ensuring that the person giving consent is fully aware of the possible uses of the material. In particular, the person must be made aware that you may not be able to control future use of the material once it has been placed in the public domain. **If a child is not willing for a recording to be used, you must not use it, even if a person with parental responsibility consents.**

3. Photographic, video and voice recordings, made for treating or assessing a patient and from which there is no possibility that the patient might be recognised, may be used within the clinical setting for education or research purposes without express consent from the patient, as long as this policy is well publicised. However, express consent must be sought for any form of publication.

4. If you wish to make a photographic or video recording of a patient specifically for education, publication or research purposes, you must first seek their written consent (or where appropriate that of a person with parental responsibility) to make the recording, and then seek their consent to use it. Patients must know that they are free to stop the recording at any time and that they are entitled to view it if they wish, before deciding whether to give consent to its use. If the patient decides that they are not happy for any recording to be used, it must be destroyed. As with recordings made with therapeutic intent, patients must receive full information on the possible future uses of the recording, including the fact that it may not be possible to withdraw it once it is in the public domain.

5. The situation may sometimes arise where you wish to make a recording specifically for education, publication or research purposes, but the patient is temporarily unable to give or withhold consent because, for example, they are unconscious. In such cases you may make such a recording but you must seek consent as soon as the patient regains capacity. You must not use the recording until you have received consent for its use, and if the patient does not consent to any form of use, then the recording must be destroyed.

6. If the patient is likely to be permanently unable to give or withhold consent for a recording to be made, you should seek the agreement of some-one close to the patient. You must not make any use of the recording which might be against the interests of the patient. You should also not make, or use, any such recording if the purpose of the recording could equally well be met by recording patients who are able to give or withhold consent.

List of Do's and Don'ts for staff information

DO:

Disguise identity of patient unless absolutely necessary even when consent to use has been obtained

Use standard consent forms

File a copy of the written consent in patient notes

Erase images from the memory of digital cameras or other storage media after use.

DO NOT:

Take photographs on verbal consent when the images are for teaching/research/publication purposes

Transport identifiable images outside a secure environment

Think small black boxes over the patient's eyes are sufficient to disguise identity