

GUIDANCE

Subject	Clinical Images Guidance CG006
Applicable to	All Care Staff
Date issued	July 2024
Next review date	July 2025
Lead responsible	Director of Care
Guidance written by	Head of Community Services
Authorised by	Senior Leadership Team (July 2024)
CQC Standard	Effective, Caring
Links to Policies/Procedures	Operational Policy (draft)
Summary	The aim of the guidance is to protect patients' rights and dignity when clinical images are taken of them. It provides staff with guidelines related to the taking, storing, sharing and deleting of clinical images.
Target Audience	All Care Staff

IMPORTANT NOTICE

Staff should refer to the Hospice website for the most up to date Policy. If the review date has passed it is still valid for 3 months. After that staff should seek advice from their clinical lead or manager.

<p>1.</p>	<p>Introduction</p> <p>The aim of the guidance is to protect patients, by ensuring that all those who are taking any clinical images of them, ensure that, at all times:</p> <ul style="list-style-type: none"> • The patient’s rights to confidentiality are maintained • Appropriate consent is obtained • The taking, use and storage of such photographs is consistent with relevant legislation and good professional practice. <p>This guidance covers clinical photography/video of patients and the consent process around this. To detail where images are stored, retrieved and disposed of.</p> <p>The images taken are not ‘professional clinical photographs’ as would be taken by a qualified Clinical Photographer but are used to assist in diagnosis and treatment and do not replace a face to face clinical diagnosis.</p>
<p>2.</p>	<p>Scope</p> <p>These guidelines are for:</p> <ul style="list-style-type: none"> • staff who ensure that the patient (or their representative if they do not have capacity), have provided consent for clinical images to be obtained • all staff who deal with the photographing/videoing of patients for clinical purposes in order to assist diagnosis and treatment of conditions. • for staff who deal with the storage, retention and deletion of images.
<p>3.</p>	<p>Responsibilities</p> <p>Director of Care and Caldicott Guardian</p> <p>Ensures the Guidelines are adhered to. Provides expert advice and guidance on Caldicott principles relating to these Guidelines.</p>

	<p>Director of Finance (Data Protection Lead)</p> <p>Provides expert advice and guidance on Data Protection</p> <p>Staff</p> <p>Read and follow this Guidance</p>
<p>4.</p>	<p>Guidance</p> <p>There must be a fully justifiable purpose for requesting, taking, use and storage of all clinical photographs and must comply with the following purposes:</p> <ul style="list-style-type: none"> • Assisting in clinical diagnosis and treatment • Recording of injuries for future legal claims where it should be clear that such photography is of benefit to the patient in their treatment or clinical care, either directly or indirectly • Education and teaching • Research (Approval must have been agreed via the Senior Leadership Team) • Publication in clinical papers, books or journals. <p>All clinical photographs must be taken and recorded with the patients consent (Appendix 1 Clinical Images Consent Form). This form should be completed prior to images being taken or when the patient’s capacity to make decisions changes. Where consent cannot be obtained due to lack of capacity a best interest decision should be made.</p> <p>All clinical photographs must be uploaded as soon as is possible to the patient’s SystemOne record and the digital copy deleted.</p> <p>All clinical photographs that need to be sent externally for review e.g. to a GP practice must be sent securely using the following:</p>

- By NHSmail to a dedicated email address

Where NHSmail is not available or unreliable, photographs may be sent via the Hospice email, ensuring it is password protected.

Where emailed photographs are not being sent directly to a healthcare Professional, but to a generic NHS mail account, the content of the email should be clearly identifiable to prevent distress if opened by a non-clinician

Clinical images must be stored and transported securely, so as to ensure confidentiality according to the Information Security and Data Protection Policy.

Any person undertaking clinical photographs does so on the basis that all photographic images produced will be regarded as clinical records. Consequently, images are entitled to the same degree of protection, and should be treated with the same respect and confidentiality as all patient records.

Photographs and/or videos of patients may only be taken in accordance with these guidelines, contravention of which may result in disciplinary action, including dismissal, and/or legal action.

All persons undertaking photography on Hospice premises or within the patient's home are responsible for the images taken. They must be aware of the need for obtaining appropriate consent, confidentiality, responsible use, security, image upload and storage within appropriate timescales.

Photographs should be taken using a digital camera, dedicated to that purpose wherever possible.

Nottinghamshire Hospice mobile phones which are password protected and where encryption and secure email links are available are the only permissible device for photographic emergencies, where traditional camera equipment is not available.

	All images must be printed and/or emailed to the NHS via an NHS email account as soon as possible and then deleted from the device.
5.	References <ol style="list-style-type: none">1. Data Protection Act2. IMI National Guidelines – Consent to Clinical Photography



Consent to Clinical Images
Before completing please refer to guidance re mental capacity

Nottinghamshire Hospice will only take clinical images in order to ensure the best care of a patient and to safeguard them from injury.

Name of Patient:
Reason for taking Clinical Image/s:
Patient I understand that the photographs/video/voice recording requested, to which I have agreed, will form part of my confidential treatment records
Patient's Signature:
Name of Signatory (if different due to patient being unable to sign): Representative's Signature:
Date:
Requester I confirm that I have explained the purpose of photographs/video/voice recording.
Name of Staff member:
Signature:
Date:

Please refer to the Nottinghamshire Hospice Clinical Images Guidelines CG006