



CCR-BPD017

CLINICAL DIGITAL PHOTOGRAPHY OF WOUNDS AND SKIN ABNORMALITIES

Best Practice Document Berkshire Healthcare NHS Foundation Trust

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**POLICY DEVELOPMENT
CCR-BPD017 - CLINICAL DIGITAL PHOTOGRAPHY OF WOUNDS AND SKIN
ABNORMALITIES**

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Designated Lead:	Clinical Lead for Tissue Viability
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These guidelines have been assessed for compliance with CQC Fundamental Standards.

Index

Section	Content	Page
1.	Introduction	5
2.	Consent and Confidentiality	5
3.	Acquiring digital images	7
4.	Documentation and storage	10
5.	Related Documentation	10
Appendix 1	Recording Consultation	12
Appendix 2	Photographing Patients for teaching and research consent form	13
Appendix 3	Photograph/video/broadcast release consent form	15
Appendix 4	Aide Memoir for Clinical Digital Images	16

1. INTRODUCTION

The purpose of this Policy is to ensure compliance with Data Protection Laws such as the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 (DPA). It also reflects good practice and guidance for healthcare professionals.

This document should be read in conjunction with the following policies: CCR 132 Leg Ulcer Policy, CCR 131 Pressure Ulcer Policy, CCR130 Wound Management Policy, along with policies CCR035 Consent to Examination and/or Treatment Policy, ORG009 The Use of Mobile Phones by Staff, ORG038 Records Management Policy, ORG 096 Clinical Record Keeping Standards, ORG005 Information Security, ORG038 Health Records Management and ORG105 Retention of Records.

Photographs should only be taken, if necessary, for care. This is particularly relevant if the wound is located on or close to a private and personal part of the body. Clinical photography and video recordings are a valuable part of assessing and evidencing a patient's condition. Within tissue viability, the digital photography of a patient's wounds is an essential technique used to assess the wound and surrounding skin. The value of clinical photography in wound management lies in the ability to achieve repeated views over time, adding objective visual confirmation to the written record and can provide evidence of rates of healing, capturing therapeutic efficacy. They are also beneficial in Allied Health Professional (AHP) areas to demonstrate improvements of a particular condition over time. Clinical photographs are confidential medical records which may contain sensitive personal information. They should be treated with the same care as written/electronic medical notes/records.

These guidelines detail the procedures to be followed in the production, handling and storage of photographs. The purpose of this is to safeguard photographs in line with current legislation and to provide robust guidelines so that the integrity of the images is not questioned if presented in court.

Photographs of patients are increasingly required to enhance patient care. These guidelines are for Berkshire Healthcare, clinical staff that take and record photographs of wounds and skin abnormalities, i.e., rashes.

These photographic images form part of patient medical records. This means that photographic images and their use are covered by the Data Protection Act 1998, NHS Information Governance guidelines and Copyright.

2. CONSENT & CONFIDENTIALITY

Berkshire Healthcare clinical staff will always ensure that patients are aware that clinical photographs may be taken. It must be clear why a photograph is required, what it will be used for and who will see it. Photographic images made for clinical purposes form part of the patients records and are covered by the Data Protection Act 1998.

Photographic images 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 clause 2.5. If you wish to use a

photograph for education, publication or research purposes and where the patient is identified, you must seek consent in writing (see consent form in appendix 1), 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.

Photos 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 such as the Trust intranet or website.

A patient's image may not be altered in any way to achieve anonymity to avoid the need for consent. Patients have the right to withdraw consent for the use of their photographs at any time but must be aware of the limitations of control of photographs in the public domain as per clause 2.4. There is no age limit used in the NHS for consent. Under-16s can consent for themselves if they are deemed to be competent under the Fraser guidelines (formally Gillick Competence). Health professionals should follow the principles set out in the Consent to Examination and/or Treatment Policy CCR035.

If a patient lacks capacity to give or withhold consent (for example and unconscious patient) please refer to current information and guidance in the Consent to Examination and/or Treatment Policy CCR035. Under certain circumstances photographs may be taken without consent, for example if it relates to a suspected non-accidental injury of a child or adult abuse where it is unlikely that consent will be given and the recording of injuries is demonstrated to be in the best or vital interests of the patient. In these cases the line manager should be contacted immediately and informed.

A consent form in relation to publishing photographs on the website/external use is available on page 10 of this policy and from the Communications Team.

Photos saved on mobile phones (other than Apple iPhones) and digital cameras are not encrypted therefore photos on all devices should be transferred to the clinical record and deleted from the phone/camera as soon as possible.

No patient identifiable information (e.g. patient's name or NHS number) should be stored with the photo on mobile phones (other than iPhones) or digital cameras. Mobile phones (other than iPhones) and digital cameras do not encrypt data therefore any information stored may be at risk.

All staff must ensure that the Phone or camera is never left unsupervised and is stored in a secure place. Staff must also ensure that the phone or iPad are locked (password protected) if not in use.

Consent to make recordings - Children and young people

If the patient is under 16 years of age, the young person's Gillick Competence should be assessed to determine whether they can consent to the procedure. Where they are competent to consent, their consent can and should be relied on. If the young person is not competent to consent, then consent should be sought from the person with Parental Consent. Consent for children and young people requirements are

different than they are for adults and can vary, for example in the case of a looked after child. Advice should be sought from the Children's safeguarding team where there are concerns about gaining consent. Please refer to CCR163: Assessing Gillick Competency in children under the age of 16.

Adults Lacking Capacity to Give Consent

If an adult patient is judged to lack the capacity to give informed consent to the recording consent must be obtained from someone who has legal authority to make the decision on the patient's behalf. Where no individual has this legal authority, or where treatment must be provided immediately, the recording may be made if clinical staff consider it to be necessary and, in the patient's, best interests. In these cases, a best interest assessment must be completed and included in the patient record. Staff should refer to Trust Policies and Procedures around the Mental Capacity Act and Best Interest Decisions

3. ACQUIRING DIGITAL IMAGES

The quality of Clinical Photography It is the healthcare professional's responsibility to decide when it is appropriate to undertake clinical photography and, in addition to consent, the clinician must consider the quality of the image produced. The resulting image must be of sufficient quality to assess the clinical condition being reviewed, e.g. photographing of the wounds will allow the clinician to:

- a) monitor wound healing progress or deterioration.
- b) provide a record of the healing process; and
- c) may be used as a method of gaining specialist advice regarding the patient's condition and/or their wound's status.

The following points need to be considered:


- a) Image quality of the device being used: please ensure that if necessary additional features as image quality settings, flash and close up functions are enabled. It is acknowledged that the continuing technology improvements to mobile smartphones means that these will give sufficient quality for certain clinical purposes e.g. review of wounds with specialist staff.
- b) Focus: to ensure a clear sharp image ensure that the item being photographed is within the focus range of the camera/device. With small items it may be necessary to use close up functions.
- c) Camera/device stability: particularly in low light conditions care must be taken to ensure the image is not blurred because of camera/device shake. Hold the camera/device steady and squeeze the shutter release button to release it. Consider using flash in low light conditions but be aware of any reflections that might obscure parts of the image. Also consider the use of a equipment if available e.g. using another object to help hold steady the device being used.

The camera/device must be cleaned with appropriate multi-surface wipes to prevent cross infection between patients. The digital camera/device should be transported in a secure case or bag in the boot of a car as per the Trust's Information Security Policy. Where digital devices such as Tablets or Smartphones are used they must have the access security i.e. use of PIN, enabled

Taking of the Photograph


When taking photographs consideration must be given at all times to protect the patient's identity within the photograph itself. Care must be taken to respect the dignity, ethnicity and religious beliefs of the patient. The patient's modesty must also be maintained by ensuring minimal patient skin exposure.

Photo is the standard mode that you see when you open Camera. Use Photo mode to take still photos. Swipe the mode selector up or down to choose a different mode, such as Video, Pano, Time-lapse, Slo-mo, and Portrait (on supported models).

Tap  on the Home screen or swipe left on the Lock screen to open Camera in Photo mode.

Tap the Shutter button or press either volume button to take the photo.

Lighting and Background It is important to consider the lighting available to ensure sufficient detail of the wound can be recorded in the final image. The background should be plain and neutral.

On your iPad or iPhone, to turn the flash on or off on models that support True Tone Flash or Retina Flash, tap , then choose Auto, On, or Off.

Note: For your security, a green dot appears at the top of the screen when Camera is in use. See Control access to hardware features.

Position of the Patient It may be easier to photograph the patient lying down because some wounds (particularly those on the buttocks) distort easily. Additionally, the natural curvature of the patient's body can also cause a problem especially where wounds extend around a limb e.g. pressure ulcers on a heel. It may be helpful to photograph such wounds in a "relaxed" position and then again with the assistance of a helper. The patients should be in a comfortable position and the camera/device should be held perpendicular to the wound. Avoid including any hands in the image wherever possible.

Picture 1

- Take a picture in normal mode from a reasonable distance to show position of the wound(s) on the body/limb,



Scale Disposable paper rulers must be used to give an impression of scale and the extent of a wound. It should be noted that wound measurement using digital photography is not sufficient enough to be used as a basis for accurate measuring of wounds.

Picture 2

- Take a picture in close up mode of each wound by moving the zoom lever.



Patient Identification To aid identification use a pseudonymised reference to identify the patient, e.g. the initials of the patient and the last four digits of their NHS number, AB 0123. No personal identifiable information should be included in the photograph. If the patient wishes to receive a copy of the photograph please document in their notes.

Downloading Images from a Digital Camera/Device to a Computer Digital images should be transferred from the camera/device to a Trust computer as soon as possible, and deleted from the camera/device on completion of transfer and checking of the image. Using an iPad enables the image to be uploaded if connected immediately on taking the photograph

- Whilst RiO is opened click on link for Clinical Documents so that document upload can be seen.
- Open document upload and at the top box [File} it will ask you to choose a file a link will then appear advising Photo Library / Take Photo or video / Choose File – press on take photo or video
- It will ask you if you want to use the photograph or retake.
- Once you have requested to use the link will return to the main page for you to save the picture in the usual manner.
- Alternatively save the picture to your ipad and upload once you have connectivity.

Uploading Images to the Datix Incident Reporting System When a digital image is required to support an incident reported on the Trust's Incident Reporting system, Datix it can be uploaded to be included in the actual incident report. This is stored within a secure environment and will mean it is available to anyone involved in investigating the incident e.g. carrying out a Root Cause analysis.

In order to ensure the file size of these images are able to be viewed easily from within the Patient's RiO a Quick Reference guide has been produced to guide staff through the process of resizing and saving the image.

It is good practice to download the image to a folder you will be able to identify when you need to retrieve/upload the image later e.g. Download Folder or Pictures Folder and create a folder specific to the patient. The folder/filename conventions to be used should be LAST NAME (in uppercase), First Name, and NHS Number e.g. BROWNE Sam 123 456 7890. For individual images you can number them 001, 002, 003 etc. By using three digits the images will be filed electronically in that order. Once the images have been uploaded to the patient's electronic RiO record and has been checked/viewed the folder and images on your computer should be deleted.

Berkshire Healthcare staff are not permitted to take photographs for their own personal use. Photographs must always be taken using cameras, iPad or mobile phones (both older mobile phones and smart phones) provided via the IT Procurement Department and never to be taken with personal cameras or mobile phones.

Mobile phones and digital cameras store information with the picture file regarding the date and time the image was taken, the date and time should be checked when taking pictures to ensure accuracy.

Staff who take photographs are responsible for:

- Adhering to these guidelines
- Staff must have a PIN on the smartphone to ensure information is kept secure (encrypted) and confidential.
- Smartphones must not have automatic synchronisation settings activated.
- The phone's camera or album functions must only be synchronised to the Trust network.
- Trust provided phones must not be synched with personal home computers, other non-Trust devices or storage.
- Synchronisation must be to a secure network drive which is only accessed by staff authorised to have access.
- Recordings must be removed from the phone as soon as possible
- Lost or stolen phones must be reported as soon as possible through the IT Helpdesk to enable information to be remotely deleted. These must also be incident reported through the Trust's incident reporting system. Staff must also ensure that any clinical risks are mitigated.
- Staff must ensure security and confidentiality of the phone is maintained at all time.
- Ensuring appropriate written consent is obtained and that the consent form is uploaded to RIO
- Check date and time on phone and camera are correct
- Quality and accuracy of data recorded Security of the images and storage
- That only authorised copies are made, for patient notes, care plans CCR BPD017

A location image must be taken to show the location of the wound in relationship to the limb or body of the patient.

4. DOCUMENTATION AND STORAGE

All digital images have to be available for disclosure if required therefore it is essential that every photograph is properly documented in the patient's medical records. The consent form should be uploaded to RIO.

This must include:

- Who took the photograph?
- What aspect of the body was photographed?
- How many images were taken?
- Signature, Date and Time.

For the provision of clinical care all photographs must be stored within the patient's clinical record on RIO, Datix Risk Management System or GP Clinical system. If digital images are used for teaching purposes they must be stored on shared network drive of the service with a copy of the consent form from the patient.

Images should not be transmitted via email (other than within @berkshire.nhs.uk or @nhs.net), SMS Text message nor transferred to USB data key for uploading by a colleague or uploading at a later date.

All images must be deleted from the phone or digital camera as soon as the transfer has taken place to the clinical system or shared network drive. All images must be deleted from the local (C: drive) of any computer or laptop used to transfer photographs to the clinical system or shared network drive.

Refer to the Transferring Clinical Photographs procedure on TeamNet for guidance on the correct way to securely document and store photographs.

5. RELATED DOCUMENTATION

Good Practice in Consent Implementation Guide:

Consent to Examination or Treatment – DoH 2007.

CCR035 Consent to Examination and/or Treatment Policy.

ORG009 The Use of Mobile Phones by Staff. ORG038 Records Management Policy.

ORG005 Information Security

6. APPENDIX

APPENDIX 1

Recording Consultations – Patient Advice Leaflet

The organisation supports the open and honest recording of care, and cooperates with patients wishing to do so. If you wish to record (audio, photo or video) clinical care, this must be discussed with your health professional/s. Agreement must be made in regard to the level of participation in the recording. You should be open and honest and not undertake covert/secret recordings where the health professional is unaware they are being recorded. Where possible, please discuss the request to record care in advance with your health professional. The health professional may wish to restrict their image in a video recording and will discuss this with you. If you only wish to be able to recall what was being said, then it may be reasonable for the health professional to ask you only audio record. The health professional may ask you to stop recording where it interferes with the delivery of care. A note will be made in your health record that you have made a recording. The recording is of a private and confidential nature, and it is your responsibility to keep it safe and secure. The health professional may ask you to send a copy of the recording for our records. This will be held confidentiality and securely as part of your health record. Any recording is only made for personal use only and not to be published publicly, including social media without agreement. You must ensure that no other patients or members of the public are recorded. If you are recording care because you have an issue with the provision or quality of care, you should discuss this with your health professional or the service manager. If this cannot be resolved directly, you can contact the Trust's Complaints Department. Any misuse of a recording may result in criminal or civil proceedings.

Appendix 2



Photographing Patients For Teaching & Research – Consent form

Patient Name

.....

Patient

D.O.B.....

Patient NHS

No.....

Patient Please Read Carefully

The health care professional has explained the benefits and risks and the reasons why the photographs are being taken.

I understand that once photographs are released for teaching and research it may not be possible to recall all of the images.

I understand that I may withdraw consent for Berkshire Healthcare Foundation NHS Trust to use photographs but that future use of material placed in the public domain is outside of the control of the Trust.

I consent to have photographs taken for teaching or research purposes []

I withdraw consent for photographs to be used for teaching or research purposes []

Signature..... Date/...../.....

Relation to Patient if consent is not from patient.....

Health Professional (Staff Use Only)

I have explained to the patient the benefits and risks and the reasons for the photographs being taken. I have explained the consent options and obtained the appropriate consent.

Print Name Job Title.....

Signature..... Date...../...../.....

Department.....

Withdrawal of consent

Patients signature.....

Date...../...../.....

Patients, as data subjects, have certain rights under the Data Protection Act 1988 and 2003. Including a general right of access to personal data held on them. If you wish to access the personal data held about you, please contact write to:-Data Protection Officer, Berkshire Healthcare NHS Foundation Trust, 2nd Floor, Fitzwilliam House, Skimped Hill Lane, Bracknell, RG12 1BQ.

PHOTOGRAPH/ VIDEO/ BROADCAST RELEASE CONSENT FORM

Photo reference (Type of event and date)

Name

Home Address

Contact number

Email

Please tick as appropriate

I consent

I do not consent

For all photographs/ videos to be used in connection with any publicity relating to Berkshire Healthcare.

This could include, but is not limited to:

- *Booklets, leaflets, flyers and posters*
- *Annual plan*
- *Social media sites (such as Facebook and Twitter)*
- *Medical congresses and educational purposes*
- *Magazines and newspaper articles about Berkshire NHS Foundation Trust*
- *Videos produced by Berkshire Healthcare*

Signed:

Date:

We may use your image for up to two years after it was taken. At the end of this time we may contact you to ask your permission to use the image for a further period of time. Please provide your contact details.

Appendix 4

Aide Memoir for Clinical Digital Images

- Check the date and time on the phone or camera is correct.
- Take digital image remembering to include a location image.
- Maintain patient's privacy and dignity.
- Document in patient's notes:
- Transfer the photo to the clinical system
- Upload the consent form to the clinical system
- Erase image from phone or camera.
- Complete the appropriate written consent form if image is to be used for teaching and inform the patient of their right to withdraw consent
 - Who took the digital image?
 - What aspect of the body was photographed?
 - How many images were taken?
 - Signature, Date and time..