

The Use of Mobile Devices in Hospitals (e.g. Phones, Tablets and Cameras)

Purpose

1. This short guidance note is aimed at hospitals where there are concerns about the inappropriate use of mobile devices, particularly cameras, within premises where care is provided. Each organisation is responsible for developing their own policy on the use of mobile devices and some may encourage and facilitate their use e.g. through provision of free Wi-Fi. However, there are risks that must be managed and this guidance aims to assist with the management of those risks.

Recommended Actions

- NHS Trusts should have clear rules on the use of mobile devices and on the use of mobile and camera phones, cameras, video and audio recording devices
- These rules and why they are important should be understood by all staff who need to be clear on expected behaviour and what to do when confronted by unacceptable behaviours
- Nurses in charge in clinical areas may agree exceptional use of mobile devices where circumstances warrant it e.g. to take pictures of a new-born or where a patient is too ill to move to a location where use is permitted. When agreeing the use of devices it is important that the risks identified in this guidance are recognised and managed
- All areas should be clearly marked with appropriate signage to leave patients, staff and visitors in no doubt where mobile devices can or cannot be used
- All staff should be encouraged and supported to enforce hospital rules by drawing attention to policies and restrictions
- Where there are recurring examples of unacceptable behaviours Trusts should consider whether sections 119 and 120 of the Criminal Justice and Immigration Act 2008 might provide options for removing individuals from hospital premises

Guidance

2. Communication with family and friends is often an essential element of support and comfort for a patient admitted to hospital. Patients generally prefer to use mobile devices e.g. phones and their integrated functionality such as texting and e-mailing to communicate. These mobile devices must be accepted as an important resource for patients and their visitors, but the risks associated with their use must be managed. The use of cameras within premises where care is provided is a particularly significant concern and many mobile phones are also cameras, video and audio recorders.
3. Many of these risks also apply to staff use of mobile devices for personal purposes on premises where care is provided and even where staff use is permitted, e.g. in emergencies, there are a range of significant information governance issues that need to be addressed (see IGA guidance on 'Bring Your Own Devices' for further information)¹.
4. It is important to differentiate between the use of mobile devices by patients to capture details of or record their own consultations which, if this can be done without incurring any of the risks identified below, is increasingly an accepted practice. Staff may need support to

¹ See also the GMC guidance at www.gmcuk.org/guidance/ethical_guidance/making_audiovisual.asp

ensure that they continue to deliver appropriate care even where they are uncomfortable about this being recorded.

5. Potential risks from inappropriate use of devices include:
 - impact on the privacy of patients and visitors
 - impact on the right to dignity of those receiving care
 - breach of confidentiality in respect of those receiving care and/or the Data Protection Act in respect of all individuals
 - threat to safeguarding arrangements for children and vulnerable adults
 - causing interruptions to care provision, creation of unacceptable working conditions for staff or undermining patient comfort and recuperation
 - threat to patient safety through interference with electronic medical devices
 - spread of infection through contaminated mobile devices

Privacy and Dignity

6. There is a legal duty imposed by human rights legislation to respect the private lives of individuals and the European Court of Human Rights has suggested that there are positive obligations inherent in effective respect for private life. This means that care providers have an obligation to take reasonable steps to create an environment where privacy and dignity are respected. It is essential, and a key component of the NHS Constitution, that those receiving care remain safe, that they are treated with dignity, and enjoy privacy and comfort during their stay.

Confidentiality & Data Protection

7. The European Court has recognised that respecting patient confidentiality is a 'vital principle' crucial to privacy and to confidence in health services. Individuals may take legal action if information about them is inappropriately shared. Further, any individual who takes photographs or videos of other individuals (other than of family or friends) whether a patient, visitor, volunteer or member of staff, where this is not directly related to their own care, must comply with the Data Protection Act and is likely to be in breach of that Act if consent has not been gained. In many cases recordings will be stored in unsecure repositories without encryption and in some cases this will not provide adequate protection.

Safeguarding

8. Care providers must safeguard and promote the welfare of children and vulnerable adults, whether patients or visitors, and need to take steps to prevent inappropriate photographs being taken, either of the individuals concerned or of confidential information pertaining to them. There are clear links to the broader safeguarding agenda and to the actions that Trusts are recommended to take in the lessons learned report relating to Jimmy Savile².

Nuisance

9. Ill and recuperating individuals should not be subject to the noise and disturbance that may arise from the use of mobile devices by other patients, visitors or staff even where this is otherwise unobjectionable communications activity. Staff also need consideration and should not be expected to put up with unreasonable behaviour. Whilst in NHS hospital premises people who are not seeking medical advice, treatment or care could commit an offence if they use a mobile phone in such a way as to cause a nuisance or disturbance to an NHS staff

² <https://www.gov.uk/government/publications/jimmy-savile-nhs-investigations-lessons-learned>

member. Organisations seeking to rely upon the provisions of sections 119 and 120 of the Criminal Justice and Immigration Act 2008 to remove an offender from the premises will need to develop a good understanding of the legal provisions and have trained staff in the required procedures.

Interference with Electronic Medical Devices

10. The Medicines and Healthcare products Regulatory Agency (MHRA) does not advise that NHS trusts should operate a hospital-wide ban but has said that in certain circumstances the electromagnetic interference from mobile devices can interfere with some medical devices, particularly if used within 2 metres of such devices. There is little evidence of detriment having been caused by mobile devices and Trusts need to decide whether to enforce restrictions or not. Mobile devices may also need to be charged via the mains power supply. Consequently, there is a risk that an essential medical device may be inadvertently unplugged in order to charge a mobile device. In addition, patients' chargers are not electrically Portable Appliance Tested (PAT), and this may contravene hospital policy and health and safety regulations. NHS trusts should take this issue into account when devising their mobile device policies.

Spreading Infection

11. Standard precautions are required to underpin the safe care of all patients at all times when staff are using equipment such as mobile phones and computer keyboards/tablets. Precautions include hand washing before direct contact with patients and after any activity that contaminates the hands, and regular cleaning of the equipment with detergent and disinfectant wipes, which should be used in line with manufacturer's instructions.

**THE USE OF MOBILE DEVICES SHOULD BE KEPT TO A MINIMUM AND MUST ONLY BE USED WHERE ALLOWED.
USERS OF MOBILE DEVICES MUST BE CONSIDERATE OF PATIENT PRIVACY, DIGNITY AND NEED FOR QUIET**

Area	Designation	Staff	Patients	Visitors
Intensive Care / High Dependency Units Operating Theatres and Recovery Areas Neonatal Units Emergency/ Resuscitation Areas Renal Dialysis Units Delivery Rooms	Prohibited	Mobile device cameras can only be used for urgent clinical photographs. Phones can be used for work purposes or during breaks in a permitted area. Staff with carer responsibilities should agree a landline contact with their line manager	Not allowed The Nurse in Charge can agree exceptional patient use for those with specific communication or carer needs or for those confined to bed areas. Care should be taken to avoid	Not allowed Visitors should leave the area. Calls must only be made from a permitted area or outside the building. The Nurse in Charge can agree exceptional use.
Other clinical areas (not in prohibited list) that the Trust has designated as restricted due to risks outweighing the benefits to patients and visitors.	Restricted	Mobile device cameras can only be used for urgent clinical photographs. Phones can be used for work purposes or during breaks in a permitted area. Staff with carer responsibilities should agree a landline contact with their line manager	Not allowed The Nurse in charge can agree exceptional patient use as above but this should avoid proximity electronic Medical Device e.g. on Maternity Units pictures can be taken of new born babies if this is the ONLY method of taking the picture.	Not allowed Visitors should leave the area. Calls must only be made from a permitted area or outside the building The Nurse in Charge can agree exceptional use.
Other areas e.g. waiting areas	Permitted	Allowed , but no personal use when on duty (Phones can be used in breaks).	Allowed but please have regard to others and try to keep a distance from electronic medical devices. Phones should not be used between 23:00 and 07:00. If using video chat the camera must be facing you and you need to be aware that you may pick up other peoples conversations and other people may hear both sides of your conversation. Please Respect staff and service user privacy and dignity when updating your status on any social media sites / apps.	

VIDEO / PHOTOGRAPHS OF PATIENTS MUST NOT BE TAKEN ON PHONES BY PATIENTS OR VISITORS WITHOUT NURSE IN CHARGE AGREEMENT. KEEPING A RECORD OF YOUR OWN CARE IS PERMITTED BUT PLEASE INFORM STAFF IN ADVANCE AND HAVE REGARD TO THE PRIVACY AND DIGNITY OF OTHERS.