John Perry Primary School

RECORDING MEETINGS POLICY

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1. INTRODUCTION

This Policy provides advice and guidance to staff and parents and those with parental responsibility who want to record a meeting. The term 'record' refers to both audio and visual media recordings.

Although the recording of meetings is currently not widespread, when the situation arises the chair of the meeting and other participants need to understand the issues involved and provide a clear and consistent response.

This policy aims to provide clarity around the recording of meetings by both staff and parents and/or those with parental responsibility. It will support existing good practice about how meetings are held, and it should encourage staff to listen to parents about their reasons for wanting to record.

2. PURPOSE OF SCHOOL RECORDING MEETINGS

Recording may be of use for lengthy meetings and hearings where the accuracy of minute or note taking can become difficult over a long period. It may also be useful for evidential purposes during official hearings (such as student appeals, or employment hearings). Such recordings do not replace the formal record of any meeting but may assist with the accuracy of the formal record or if there is a dispute over what was said. It is also advisable to have a minute or note taker in attendance in the event of a technology failure.

3. SCHOOL NOTIFICATION OF RECORDING MEETINGS

The School must notify those attending meetings or hearings in advance of the intention to record the meeting. This advance notification is helpful in avoiding any issues on the day. Any objections to recording must be considered by the Chair and the Chair will ultimately decide whether the recording is appropriate in light of any objection.

At the meeting, the Chair must also notify all attendees that recording will take place, prior to the commencement of the recording. The recording must stop at the formal close of the meeting or hearing. Attendees who were not present at the start of the meeting must also be notified that recording is taking place. The school cannot covertly record meetings and to do so will be considered a disciplinary offence.

4. WHEN MIGHT PARENTS WANT TO RECORD MEETINGS?

Parents and those with parental responsibility may want to record a multi-agency meeting or a child in need meeting or any other meetings about their child.

They may do this covertly or overtly. Covertly means they do this without asking or making it known to others at the meeting. The recording device may also be hidden. However, the School would request that anyone recording a meeting informs all those present. Overtly means that the person recording the meeting is not hiding the fact that they want to do this. They may ask for permission, or they may just state that they are going to record the meeting.

The person recording might record the whole meeting or conference or just part of it.

The reasons for wanting to record a meeting or conference will be different for each parent or family member and may include that:

- They don't want to forget things that were said and find a recording easier than taking notes.
- They may not want to rely on other people's records of a meeting and want an objective record of their own.
- They may not want to rely on the notes of the meeting and/or they may not want to wait for the notes of the meeting to be sent to them.
- They may have negative feelings about the school and/or other professionals generally.
- They have previously disagreed with the accuracy or completeness of a professional's record and were unable to demonstrate that their version of events;
- They may want to use the recording for other means such as to circulate information as part of a campaign.

Parents and/or those with parental responsibility might:

- Keep the recording for their own records.
- Share the recording with their family and/or friends.
- Ask a Court to consider the recording.
- Publish the recording on social media.

5. DATA PROTECTION LEGISLATION

The UK General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018 do not prevent parents recording meetings and conversations because the legislation contains an exemption for:

'*personal data that is processed by an individual (natural person) solely for the purposes of their personal, family or household affairs'.*

It is also likely that such discussions will include 'special category data' which must be treated with greater care because information about these matters could be used in a discriminatory way and is likely to be of a very private nature. The following categories are defined as special category data:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health
- Sex life or sexual orientation

Anyone posting recordings of a meeting on an online forum or on a social networking site will need to check if the GDPR and DPA 2018 applies. The Information Commissioner may investigate if it is believed that someone has gone beyond the scope of the exemption and the Information Commissioner may take enforcement action against them.

6. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

The Act does not prevent parents recording meetings and conferences. RIPA only applies to the actions of the school, for example, it gives some protection to parents in relation to surveillance type activity. However, the School may request anyone recording a meeting to inform the Chair before the meeting commences.

7. CONFIDENTIALITY AND PRIVACY

Whilst everyone has a right to privacy in respect of their personal and private affairs, it is only the families who private information is likely to be discussed in a meeting around a child. Professionals clearly have a duty of confidentiality in respect of the private information about children, young people, and their families that they are aware of, but there are many rules and regulations which permit or require professionals to share or disclose private information about families to protect children or to prevent the commission of crime.

If a recording is simply made for personal use or for use as evidence in private court proceedings it is unlikely to amount to a breach of privacy.

8. HUMAN RIGHTS

School staff owe a duty to parents and/or those with parental responsibility in relation to their privacy, however, a recording of a meeting attended by school staff is unlikely to contain information about the school staff's private life and would therefore not be in breach of the Human Rights Act 1998.

9. DEFAMATION (LIBEL OR SLANDER)

Distribution of a recording of something that a person has said is unlikely to be capable of being defamatory of the person speaking, although distribution of a recording of somebody saying something about somebody else could be (if it contained an untruth which was likely to seriously damage the reputation of that person). What is said in a meeting around a child is likely to amount to 'honest opinion' which is a defence to a libel claim.

The reliance upon or playing of a recording in private court proceedings (if permitted) is unlikely to be defamatory, and if its contents are reported in a judgment, it is not defamatory to quote that judgment, although judgments of the Family Court cannot be published without permission of the judge.

10. HARASSMENT

If somebody was to use a recording of a meeting or a part of a meeting to harass somebody at the meeting, for example if it was done very aggressively by thrusting a recording device in the face of a participant, or with explicit or implied threats of going public/putting on the internet or by circulating the material in a way designed to cause distress or fear – a court could potentially be asked to make an order stopping that (an injunction).

If a recording were used to harass a professional, it is possible a court could be asked to make an injunction.

11. SCHOOL PRINCIPLES TO SUPPORT PARENT AND/OR THOSE WITH PARENTAL RESPONSIBILITIES RECORDING MEETINGS

The school have identified a set of principles to support recording meetings and conferences:

- Staff will behave professionally in meetings and provide factual, clear, evidence-based information to support discussions and decision making;
- The school will work within the law and statutory guidance around the recording meetings;
- The school will remind attendees that information discussed at meetings is confidential and that they become responsible for any information that they may take out of the meeting;
- The school will be positive and proactive where the situation arises that someone asks to record a meeting or conference and provide a consistent and clear response;
- The school will work with parents and/or those with parental responsibility when the situation arises to explore with them why they might want to record a meeting;
- If a parent and/or a person with parental responsibility states that they intend to record a meeting the school will inform them of the issues of recording a meeting regarding privacy and the use of private information.
- Where the reason for wanting to record a meeting is to do with any requirements the person has with a learning difficulty, learning disability, sensory or physical impairment, or where English is not their first language, the school will provide additional support to enable the person to understand what is being said and for a record to be made which they can understand;
- The School will ensure that the interests of the child or young person are central to any discussion about recording meetings to ensure that any action taken is not likely to cause the child to suffer significant harm;
- Where the local authority has parental responsibility (when the child is subject to an interim or full care order or a placement order,) the Social Worker will decide what is in the best interests of the child;
- Where the child or young person has the age and understanding to participate in a discussion about whether someone should record a meeting, they will be included in the discussion and their views taken into account;
- Where there is difference in opinion between parents, the chair of the meeting will temporarily stop the meeting to explore the situation with each parent or family member;
- The school will record in the written minutes that the meeting was recorded and by whom;

12. PARENTS RECORDING MEETINGS

The School will ask at in advance of the meeting itself if anyone is recording the meeting to allow time for the other people involved to consider your request and respond.

It might be helpful if you explain why you would like to record the meeting. For example :

- I don’t remember things very well and I’m not very good at taking notes.
- The minutes of meetings always come too late.
- I feel worried that things I have said, or others have said might not be accurately recorded.
- I remember and understand better if I can hear things rather than reading them.
- I have a disability which makes it difficult to take notes or affects my memory or concentration.

It might be helpful if you agree to record the whole meeting and to send a copy of the entire unedited recording to the other people at the meeting if they would like it.

It might be helpful if you reassure the people at the meeting that you will only use the recording for your own use, or for court proceedings relating to the children, or in the taking of legal advice, and that you will not publish or distribute the recordings on the internet or otherwise.

The recording you make might contain other people's private information (including your children's') and it is a good idea to make sure that everyone understands that you appreciate their privacy is important.

If you are told you cannot record, you could ask for an explanation to be given so you can see if the reason given is a good one or if there were any practical solution that would resolve the problem. If they give a reason that you think is not a very good one you ask them to reconsider.

13. A PARENT WANTS TO RECORD MEETINGS

There may be good reasons for a parent wanting to record a meeting. In some cases, permitting a parent to record interactions with professionals may reassure them and enable them to engage more effectively with you and others.

As a professional you cannot rely upon the Data Protection Act or RIPA as a reason to refuse permission to a parent to record meetings.

There is no law that says the consent is required before a parent can record meetings, they are participating in.

If you are anxious about what a parent might do with a recording, it might be helpful to have a discussion with them about why they want to record and what they will do with the recording.

14. A PARENT HAS BEEN COVERTLY RECORDING MEETINGS.

You might want to initiate a non-confrontational conversation with the parent about why they feel they needed to record covertly (reasons might range from them being worried they would not be allowed if they asked to wanting to catch you out). You might be able to agree to an open recording of future meetings.

15. SCHOOL STORAGE AND RETENTION

Any school recordings should be stored on secure School servers with access limited only to those who have a need to access the recordings. The School's Data Protection Policy must be complied with at all times. The recordings must be retained for a reasonable period after the meeting or hearing. For meetings, it would be reasonable to retain the recording until the minutes have been accepted.

For hearings, it may be necessary to retain the recording for a set period after the outcome of the dispute for legal reasons.

16. SCHOOL DISPOSAL

All recordings must be securely disposed of at the end of the retention period.

17. INFORMATION REQUESTS

Staff must be aware that any recordings of meetings or hearings will be subject to the Freedom of Information Act and Data Protection Act, where relevant, subject to the standard exemptions from disclosure under those Acts. Any such requests received should be forwarded to the school data protection officer. Where it relates to a dispute, copies of recordings may be shared with relevant parties as part of the normal disclosure process.

18. POLICY REVIEW

The Data Protection Officer is responsible for monitoring and reviewing this policy. This policy will be reviewed annually. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.

19. LINKS WITH OTHER POLICIES

This Recording of Meetings Policy is linked to the School:

- Data Protection Policy
- Freedom of Information Policy
- Subject Access Request Policy
- Information Security Policy
- Information Sharing Policy

The Information Commissioner also provides a free helpdesk that can be used by anyone and a website containing a large range of resources and guidance on all aspects of Information Law for use by organisations and the public. See www.ico.org.uk