

RCM principles for filming and recording maternity staff at work

Background

The filming and recording of consultations has become more common within maternity services since the COVID-19 pandemic, initially being used to involve partners who were prevented from accompanying in person.

Some NHS Trusts and Boards have their own policies on filming and recording, although these are not specific to maternity services and settings and they vary between Trusts and Boards. Most do not have any publicly available policies.

The RCM has developed this paper on filming and recording of maternity staff at work, to support workplace representatives and members in responding to questions and issues if they arise.

What are the benefits of video and audio recordings?

Providing an aide-memoire:

- Can assist with recalling all the information given at an appointment
- Will be shareable with a partner who cannot be present
- Could assist when there are language barriers
- Can be a keepsake, to retain for future reference or nostalgia

Key principles on filming and recording maternity staff at work

The RCM recognises the right for maternity staff to consent to being filmed at work.

Recording and filming can be undertaken positively and legitimately, but should be agreed to in advance between women and birthing people and the maternity team. Recordings can be helpful with communicating large amounts of complex information during appointments. It can also assist with sharing advice and some of the experience of an appointment, when a birthing partner is unable to attend.

The RCM recognises the unique trusting relationship between midwife and woman. It is vital that recording is undertaken openly, responsibly and with respect.

Recording should be agreed to by both parties with a full understanding of the implications. This may include a plan for any emergency situations that might arise and the potential for wider sharing of recordings beyond those directly involved.

Principles for recording during appointments and scans

- Permission must be obtained from the midwife or health professional involved
- Recording should be unobtrusive and not prolong or interfere with the purposes of that appointment

- Care should be taken when recording and no recording of other women must be made without their explicit consent

Principles for recordings during hospital births and home births

- A discussion should take place at the outset, to reach an understanding of what will be expected of the person making the recording, in the event of an emergency or unexpected situation
- Permission should be obtained from the midwife and professionals involved
- Recording should be unobtrusive and not interfere with the care being provided
- Care should be taken when recording and no recording of other women must be made without their explicit consent

As a midwife or maternity support worker, can I refuse to be filmed/recorded by a woman during a consultation?

You have a reasonable expectation of privacy while at work, so the woman should ask for your consent before filming or recording. If the recording is solely for the woman's personal use, it is unlikely that you can refuse, though they should still ask for permission in advance.

It is best practice to have a discussion with the person who is requesting to record the consultation, to understand their reasons, while also explaining any objections you may have.

You should also check whether your Trust or Board has a policy on being filmed or recorded. Remember the Nursing and Midwifery Council (NMC) Code, which upholds that privacy and confidentiality be respected.

However, if the recording will capture other women, you have the right to refuse, as this raises safeguarding and consent issues for those individuals.

The recording should only be for the woman's private use, and they may be committing an offence if it is posted online.

What others have been saying

The [British Medical Association](#) has developed guidance on patients recording consultations. This covers questions such as whether doctors can be recorded without permission or covertly, how to respond when a patient asks to record their appointment and what to do if a covert recording is posted online.

Human rights organisation [Birthrights](#) directs people to the BMA guidance and additionally advises: 'If you want to film your birth, you should ask to see your Trust or Board's policy on filming. The staff caring for you have the right not to be filmed in a way that would identify them if they don't want to be. However, if filming your birth is important to you then the Trust [or Board] should try to facilitate it.'



The majority of their enquiries on this are about sonography appointments. They have not encountered a significant issues with the filming of births.

[Royal College of Nursing](#) guidance contains links to further resources, including the Information Commissioner's Office and Care Quality Commission

Legal position

The Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) govern the use of personal data, including video or audio recordings. Guidance is also provided by the Information Commissioner's Office. It is likely that where a recording is made entirely for personal reasons, it will not engage the UK GDPR or the Data Protection Act 2018.

Article 8 (1) of the European Convention on Human Rights, which is incorporated into UK law by virtue of the Human Rights Act 1998, provides that individuals have the right to respect for their private and family life, their home, and their correspondence. This right to privacy extends to an individual's workplace, though it can be restricted in certain circumstances.

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For reference: National policies

BMA (2021), [Patients recording consultations guidance](#)

TUC (2023), Artificial intelligence: [guides for union officers and reps](#)

Unison (2020), [monitoring and surveillance workplace policies](#)

