



COVERT RECORDING POLICY

Policy Reviewed	By Audit and Risk Committee on 24.06.2025
Policy approved by Trust Board	03.07.2025
Next Review Date	Summer 2028

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1. Introduction

- 1.1 The Cranmer Education Trust is committed to fostering a culture of openness, trust and mutual respect. To support this aim it is essential that all meetings whether involving staff, parents or other stakeholders are conducted with honesty and transparency.
- 1.2 All staff will be made aware of the trust's policy on covert recording.

2. Scope

- 3.1 This policy applies to all individuals participating in all meetings held within the trust and in line with trust policies, including but not limited to:
 - 3.1.1 Parents and carers, and their representatives.
 - 3.1.2 Members of staff, and their representatives.
 - 3.1.3 Contractors.
 - 3.1.4 Local Committee Members, trustees and members.
 - 3.1.5 External attendees and other representatives.

3. Definition

- 3.1. Covert recordings include both audio and video recordings and are any recording made without the express knowledge and permission of the person(s) recorded.
- 3.2. Covert recordings may occur in parental meetings, complaints meetings, in conversations with parents including telephone conversations, and during informal and formal HR meetings.

4. Principles

- 4.1. The covert recording of any meeting within the trust or conducted in line with trust policies is strictly prohibited. This includes audio and/or video recording without the knowledge and explicit consent of all participants involved.
- 4.2. Where there may be a legitimate reason to record a meeting (for example to support a participant with additional needs), this must be agreed in advance with the Headteacher for school meetings or Deputy Chief Executive (Business Strategy) for central trust staff. All parties must provide informed consent to any such recording and a written record of consent will be retained.
- 4.3. If a member of staff has any concerns about whether a conversation is likely to be covertly recorded, they must address this at the beginning of the meeting or telephone call.
- 4.4. If any employee suspects that a covert recording has been made, they must report this immediately to the Headteacher or Deputy Chief Executive (Business Strategy) as appropriate. If these concerns arise during a meeting or conversation, the interaction should be ended immediately with participants being made aware of the concerns.
- 4.5. If a parent is found to have recorded any audio or video footage on a school site without appropriate consent, this may result in the parent being immediately banned from the school's premises and the involvement of external agencies.
- 4.6. If a recording obtained without consent is posted on social media, the trust will contact the provider and ask for the content to be removed.

4.8 Recording meetings held under the complaints policy.

- 4.8.1 If a complainant is wishing to record a conversation or meeting, they should request the informed consent of all parties before doing so.
- 4.8.2 Unless there are exceptional circumstances (see 4.2), requests to record complaints meetings will be denied. Recording may inhibit discussion as participants do not know whether it will be edited and/or shared, and with whom and for what purpose.
- 4.8.3 The trust reserves the right to refuse permission for a complainant to use a recording that has been obtained covertly in the complaints process.
- 4.8.4 The trust will refuse to accept covertly obtained recordings as evidence in that complaints processes unless there are exceptional circumstances.

4.9 Recording meetings held under HR policies.

- 4.9.1 If an employee requests to record a meeting, this request must be declined unless there are exceptional circumstances (see 4.2).
- 4.9.2 If an employee makes a covert recording, this may undermine the trust and confidence between the employer and employee and amount to misconduct or gross misconduct depending on the circumstances of the case.

5 Relevant Legislation

- 5.1 GDPR and the Data Protection Act 2018 sets out that recording individuals without their consent may constitute the unlawful processing of personal data.
- 5.2 Article 8 of The Human Rights Act 1998 provides the right to respect for private and family life, which may be infringed by covert recording.
- 5.3 The Employment Rights Act 1996 states that fair procedures are required in disciplinary and grievance processes. Covert recording can impact on this fairness.