

## **Policy on the use of CCTV in the Foster Home**

### **Introduction**

We live in a surveillance prolific world, and the use of Closed-Circuit Television (CCTV) systems and other video recording devices can often feel both protective and intrusive, particularly having adverse implications for children and young people's privacy and dignity, especially if filming may include inside the house.

The common reason for installing a CCTV system is usually to protect property or prevent anti-social behaviour near the house. The Data Protection Act has significant implications for the installation and use of CCTV and it is important that foster carers discuss the available guidance with their Supervising Social Worker before arranging to install and use CCTV or video recording devices such as baby monitors.

The regulations and guidance relating to CCTV are covered by the UK General Data Protection Regulations (UKGDPR) and the Data Protection Act 2018 (DPA18). This legislation is regulated by the Information Commissioner's Office (ICO).

### **Guidance on the use of CCTV or other video recording devices**

CCTV or video recording devices should not be used to monitor the behaviour or actions of children or young people in the home.

Shining Star Fostering recognises that some families may install CCTV or other video recording devices to monitor the home while they are away from the home, for security reasons or to monitor animals in the home.

If foster carers have an avoidable reason to use CCTV or video recording devices such as baby monitors, they must ensure the systems are installed and operated within regulatory guidelines.

When considering if it is appropriate to install and use CCTV or video recording devices such as baby monitors, cameras etc, the following should be considered:

- Is the system necessary, is it a proportionate response to a perceived or actual threat?
- Is there an alternative, e.g., fitting more security locks or a motion sensor to trigger lights or using audio only baby monitors?
- Have the police been contacted to carry out a crime prevention check and given advice on alternative or additional security features?
- Where will the camera be focused, is it to be used inside and/or outside the home? Is the reach of the camera beyond your property's private area?
- Will the system be running all the time, and will it include an audio record? Even if the camera reach is within the property's private boundary, audio recording can reach beyond the private boundary.

- Will the planned use of CCTV affect other people, how will any recordings if any be kept, by whom, and for how long?
- Is the system compliant in its entirety with regulatory guidelines?
- Has professional guidance been sought and well documented to evidence compliance with relevant regulations?
- Have you discussed your intention to install and use CCTV or video recording devices with your Supervising Social Worker and has consent been granted by the relevant placing Local Authority?
- Where consent has been granted, is it clearly documented including the rationale for the need to install and use CCTV or video recording devices and the basis for granting consent?

### **Regulatory duties for CCTV outside the home**

- If records of the video are kept, the owner should be designated as the data controller and must have a good understanding of relevant regulations in case anyone wants to carry out their rights in relation to data protection or make a subject access request (SAR).
- The CCTV system must not be used for any purpose other than intended and before installing the system, it is advisable to let neighbours know what you are doing and why.
- There should be a visible notice on the property that clearly states CCTV is being used. A system that also records audio could be seen by some as particularly intrusive and the person responsible for the operation of the CCTV should consider whether it is really needed and if not, should it be disabled.
- If you are recording images outside of your property boundary, intentionally or otherwise, the use of the system comes under the Data Protection laws. This means that the person responsible for the system is a 'data controller. This does not necessarily mean that anyone is breaking the law, but they must show they are complying with the regulatory guidance.
- There is an expectation that an operator will uphold the rights of those affected by the system. However, if you are taking and storing images from beyond your boundary you will need to write down the reasons why you feel this is necessary, as it is an intrusion of people's privacy.

### **CCTV or other video recording devices used inside the home.**

- Shining Stars, through your Supervising Social Worker must be made aware of any CCTV other video recording devices being installed or in place and the reasons for this being installed should be discussed before it is installed and must be in line with this policy.
- It must also be agreed by the Local Authority responsible for any child or young person placed. In those cases where it is used, the storing and retention of records, e.g., how long records are kept and who can have access to them, should be incorporated into the Health and Safety Checks and Safer Caring Policy.
- If the system is already in place during the initial fostering assessment process, this policy and guidance must be discussed with the applicants.
- CCTV must not be sited in a bedroom, bathroom or toilet of anyone living in the home.
- All responsible for a child or young person placed with the foster family, must be shown where the cameras are sited.
- At no time should CCTV or other video recording devices be an alternative to foster carers providing supervision of children and young people.

- Baby monitors are considered to be a listening device unless they are used to check a young baby's welfare when an adult is not in the same room, for example, if a baby is sleeping during the day.
- Baby monitors must not be video operated and must have audio only.
- Baby monitors should not be used as a device for supervising older children.
- Where use of CCTV or other video recording devices has been given consent, there must be a written agreement signed by the foster carer responsible stating that they commit to adhere to this policy and other relevant restrictions agreed by all parties. This may include the young person if age appropriate.

## **Data Protection Laws**

If, during the process of recording, someone's privacy is infringed, the person responsible for the CCTV system must respond to any subject access request (SAR) within 1 month of being contacted, giving the complainant a copy of the relevant data.

Footage should be deleted if requested unless there is an ongoing legal dispute for which the recording may be used. The person who made the SAR should be advised that they can challenge this in court or contact the ICO.

The CCTV operator should regularly consider whether the original reasons for recording remain valid. Failure to follow regulations can result in an 'enforcement action' by the ICO, which could entail paying a fine. Contravention of the regulations may also expose data controllers to legal action from those whose images were recorded without their consent.

It is no longer necessary to register with the ICO or pay a fee, but it is essential that the designated data controller keeps a record of how and why images are being kept, for how long and by whom. These records must be made available to the ICO if requested.

## **Changing the use of CCTV**

Any request for alternative or additional use of CCTV, for example, to safeguard children who are known to be vulnerable, should be brought to the attention of the Registered Manager. This should only be requested following the completion of risk assessments which have highlighted significant concerns relating to the safeguarding of a child or children in the household. This should also have been discussed with the Local Authority responsible for the child to gain their views prior to any request being made. Should such a request be agreed, the carer's Safer Caring Policy and other relevant documents need to be updated at the earliest opportunity. Any request for a change of use should be regularly reviewed.

**For more information:**

- Domestic CCTV: using CCTV systems on your property (GOV. UK. 2015)
- Surveillance camera code of practice (2013) – information on recording images ‘beyond the confines of the property’
- The Information Commissioner’s Office (ICO) also publishes guidance, e.g., ‘guidance on the use of domestic CCTV and ‘guidance for people being filmed by domestic CCTV’ (<https://ico.org.uk>)

**Relevant legislation:**

- National Minimum Standards for Fostering Services (2011) (26.4) Information about individual children is kept confidential and only shared with those who have a legitimate and current need to know the information, and to those parts of a child’s record or other information that they need to know.’
- UK General Data Protection (UKGDPR) (<https://gov.org.uk>)
- Data Protection Act 2018 (DPA 18)
- Connected Policies or guidance