

The Use of CCTV Policy

Soundly Fostering acknowledges that some families may wish to use CCTV to protect their property for security reasons. However, you should be aware that the Data Protection Act has significant implications for the installation and use of CCTV.

It is our policy that CCTV or video recording devices should not be used to monitor the behaviour or actions of children or young people in the home, unless there are exceptional circumstances, specifically agreed with the Local Authority, for clearly identified reasons.

Foster carers must discuss the available guidance with Soundly Fostering before arranging to install and use CCTV or video recording devices, including the use of baby monitors. Any systems which had been installed prior to carers fostering with us will have been discussed and agreed during the assessment process.

Soundly Fostering acknowledges that many families now use a Ring doorbell, which does allow for recording or camera action. However, this is not specifically to record children's actions or behaviour. In line with there being some camera access, we will be aware of which households are using these devices.

Scope of This Chapter

The use of CCTV and recording devices for security or safety reasons. The requirements to agree and discuss the use of these systems, as well as legal requirements around data retention and recording.

This policy will be used alongside the Data Protection and Information Sharing policies.

Regulations and Standards

Fostering Services: National Minimum Standards

Standard 26 – Information about individual children is kept confidential and only shared with those who have a legitimate and current need to know the information and with those parts of the child's record or other information that they need to know.

Relevant Legal Guidance

The Data Protection Act 2018

The UK General Data Protection Regulations (UK GDPR)

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.

Do consider alternatives to CCTV or recording devices.

In all cases, the use of CCTV or video monitoring should be agreed with Soundly Fostering and the Local Authority. These should be highlighted in Health and Safety and Safer Caring documentation.

The Use of CCTV Recording or Monitoring Devices

Soundly 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.

However, whatever the reason for installing CCTV or video monitoring systems, carers must ensure the systems are installed and operated within regulatory guidelines and that the use of these has been discussed with Soundly Fostering and the placing Local Authority of any children living with you.

It should be considered that the use of Closed-Circuit Television (CCTV) systems and other video recording devices can feel intrusive, particularly having adverse implications for children and young people's privacy and dignity, especially if filming may include inside the house.

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's 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?
- If you are recording images outside of your property boundary, intentionally or otherwise, the use of the system comes under the data protection laws. 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 on people's privacy.
- 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 Soundly Fostering, 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 of 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, whether it should 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 on people's privacy.

Monitoring and Recording Devices Inside the Home

Soundly Fostering does not accept CCTV or internal cameras being used to monitor the behaviour or actions of children or young people in the home.

Exceptions will be considered on a case-by-case basis, when the use of cameras or recording equipment is deemed necessary for the child's welfare or safety. In all instances, the reasons for using internal cameras for monitoring purposes must be discussed and agreed with Soundly Fostering and with the Child's Local Authority in advance of use.

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 adhering to this policy and other relevant restrictions agreed by all parties. This may include the young person if age-appropriate.

In those cases where recording is used, the storing and retention of records, e.g. how long records are kept and who can have access to them, will be clearly outlined within the agreement. Additionally, the parameters of CCTV and video monitoring should be incorporated into the Health and Safety Assessment and Safer Caring Policy.

Families must make sure that:

- CCTV is not sited in a bedroom, bathroom or toilet of anyone living in the home.
- All those responsible for a child or young person placed with the foster family are shown where the cameras are situated.
- CCTV or other video recording devices are not to be used as an alternative to foster carers providing supervision of children and young people.
- CCTV, video or recording devices such as doorbells or baby monitors are only used when they are considered necessary, proportionate and known to all those living in, or coming to, the home.
- Baby monitors are being used as a listening device rather than a visual or recording 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.
- It is acceptable for a mobile phone to be used as a baby monitor when a baby is sleeping, but it must not be used to monitor other people's activities. Baby monitors should not be used as a device for supervising older children.

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 the designated data controller must keep 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 or the Responsible Individual.

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.

Contacting the Regulator

You can contact the Commissioner's Office by calling: 0303 123 1113
Alternatively, go online to www.ico.org.uk/concerns