

# Brynteg CP School

## CCTV POLICY



Approvals	
Approved by Governing Body	November 23
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### Introduction

Brynteg School uses Closed Circuit Television (CCTV) along the perimeter of the building.

This document is designed to give clear guidelines on the school's use of CCTV and to protect the school and its CCTV operators from allegations of misuse of the system and to protect staff and the public from any abuse of the CCTV system.

Failure to comply with this documents could lead to disciplinary action, which may lead to dismissal and in certain circumstances criminal proceedings against the individuals concerned.

## **Objectives of CCTV Systems**

It is important that everyone and especially those charged with operating the CCTV systems on behalf of Brynteg School understand exactly why the system has been introduced and what the cameras will and will not be used for.

The CCTV system is designed to:

- Protect areas and premises used by staff and the public;
- Deter and detect crime and anti-social behaviour;
- Assist in the identification of offenders leading to their arrest and successful prosecution or other appropriate action;
- Reduce violent or aggressive behaviour towards staff;
- Reduce fear of crime, anti-social behaviour and aggression;
- Protect property and assets;
- Assist in staff disciplinary, grievance, formal complaints and health and safety investigations.

The systems will not be used for any other purpose than those set out in this document without prior consultation with the Head Teacher and where appropriate notification to staff and following consultation with the Trade Unions.

Any novel or non-standard use of the CCTV cameras are to require the approval of the Head Teacher.

Cameras will not be used to monitor the progress of staff or individuals in the ordinary course of lawful business in the area under surveillance, nor are managers permitted to use the cameras to observe staff working practices or time keeping or to assist them in the day-to-day management of their staff.

Individuals will only be monitored if there is reasonable cause to suspect a criminal offence or serious breach of discipline, potentially amounting to misconduct that has been, or may be, about to be committed and this will only be permitted when authorised.

The Head Teacher should consult the Head of Service, Legal, Democratic and Registration and Head of Service, Human Resources & Organisation Development before any such action is taken.

## **Legislation**

CCTV and its operation are subject to legislation under:

- The Data Protection Act 2018 (DPA 2018) All Wrexham County Borough Council's CCTV systems are registered under the Data Protection Act. All enquiries regarding Data Protection should be directed to the Council's Corporate Information Team on [foi@wrexham.gov.uk](mailto:foi@wrexham.gov.uk)
- General Data Protection Regulations (GDPR)
- The Human Rights Act 1998 (HRA)

- The Freedom of Information Act 2000 (FOIA)
- The Regulation of Investigatory Powers Act 2000 (RIPA)
- The Protection of Freedom Act 2012 (POFA) Resulting in the `Home Office's Surveillance Camera Code of Practice and the Information Commissioner's Office's (ICO's) Code of Practice for Surveillance Cameras and Personal Information.
- Criminal Justice and Public Order Act 1994
- Criminal Procedure and Investigations Act 1996
- Council policies, procedures and guidelines

It is important that the operation of all the school run CCTV systems comply with these Acts, policies, procedures, guidelines and Codes of Practice.

This is to ensure that staff running the CCTV systems, the public and Wrexham County Borough Council itself are protected from abuses of the CCTV systems.

The Head Teacher will be responsible for ensuring that all CCTV documentation is reviewed annually (or as changes occur) and ensuring the information in those documents are up to date.

### **Responsibility**

The Head Teacher has overall responsibility for CCTV systems used within the school.

The Head Teacher will be responsible for ensuring all users are kept up to date on legislation and changes in procedures.

The Head Teacher is responsible for:

- the day-to-day operation of the CCTV system within their charge and the security and accountability of all equipment and media used by their system.
- making sure that authorised staff using the CCTV system are properly trained in the use of the equipment and comply with the Code of Practice and policies and procedures. They are not to permit any other staff to operate the equipment or view images without authorisation.
- acting as the first point of contact for enquires, complaints and requests for evidence and as the liaison officer for all external and internal contacts.

### **Staff operating CCTV systems**

Staff operating CCTV systems are responsible for operating the equipment in accordance with requirements set out in current legislation, this policy document, guidelines, confidentiality certificates, Codes of Practice and local operational manuals.

They must ensure that their training is up to date.

They are responsible for bringing any faults or misuse of the equipment to the Head Teacher's attention immediately.

### **Purchase and deployment of CCTV cameras**

Brynteg School is committed to respecting people's rights to privacy and supports the individual's entitlement to go about their lawful business. This is a primary consideration in the operation of any CCTV system, although there will inevitably be some loss of privacy when CCTV cameras are installed.

Therefore it is crucial that serious consideration is given to the necessity for cameras in a given location and their impact on the privacy of individuals using the areas where cameras are to be installed.

Cameras are not to be installed in such a way that they can look into private spaces such as houses.

Cameras are to be clearly visible and clearly signed.

Brynteg School will not use CCTV cameras if there are less intrusive and more effective methods of dealing with the problem.

Brynteg School does not deploy 'dummy' cameras or cameras that can monitor conversation or be used to talk to individuals as this is seen as an unnecessary invasion of privacy.

### **Monitoring**

It is the responsibility of the Head Teacher to ensure those observing the monitors are properly trained in their duties and responsibilities and that the ability to view the monitors are restricted to those authorised to see it.

### **Viewing images and the provision of evidence**

The casual viewing or trawling of images is strictly forbidden. Viewings must only be undertaken for a specific, legitimate purpose.

The provision of evidence or viewings will normally be requested either by the police, other enforcement agency or another department conducting an investigation into criminal activities, potential disciplinary matters, complaints, grievance or health and safety issues.

Enforcement agencies such as the police have a legal requirement to 'seize' any relevant evidence when investigating a crime and the Head Teacher must comply with their request. Enforcement agencies are bound by legislation as set out above.

Enforcement agencies are not permitted to trawl the CCTV system on the off chance of detecting a crime or wrong doing. They are required to provide the Head Teacher with a Crime or Incident number or other such proof that they are conducting a legitimate investigation.

The release of evidence or permission to view images may only be authorised by the Head Teacher or in their absence, a member of the Senior Leadership Team.

Where an enforcement agency requests copies of an image, one copy is to be made but there is no requirement for the Head Teacher to retain or produce any further copies.

If the matter concerns a member of staff, there will be no automatic right to viewing or the release of images. Viewings will be permitted and images will only be released after they have submitted a formal request to the Head Teacher.

Staff who are subject to disciplinary, complaints or grievance procedures have the right to request that footage be retained if they believe it will support their defence.

Brynteg School will not permit viewings or release images to people being investigated by an enforcement agency or in an internal investigation, which may be handed over to an external agency such as the police. The responsibility for investigating and disclosing images to those involved in the investigation are covered by the Police and Criminal Evidence Act (PACE) and the Criminal Procedure and Investigations Act 1996 and the prosecuting authorities are required to follow the procedures set out in these Acts. It should be noted that other enforcement agencies will operate under other legislation but the use of and disclosure of the evidence rests with them.

It is critical that a full and detailed record is kept of all viewings of the systems and all instances when images are issued. This information must include:

- Date, time, camera number and location of the incident;
- The name of the authorising officer;
- The date time, name and contact details of the person viewing or removing images;
- The reason for the viewing / issue of images; and
- The person who released and the received the images signatures.
- Any media containing images should be uniquely marked and the number recorded for ease of identification.

## **Insurance Claims**

CCTV involvement in insurance claims fall into two categories. First incidents, which may result in claims against Wrexham County Borough Council and secondly claims involving third parties, normally traffic accidents.

CCTV cameras may be able to assist in incidents that could result in a claim against Wrexham County Borough Council. When a report is received which may result in a claim, the Head Teacher should consider whether CCTV covers the area. They should then follow the procedures for viewing and obtaining evidence, which is set out above.

If evidence is issued to the Head Teacher, they become responsible for the security, safety and integrity of the images. All recorded media must be stored in a secure place with access limited only to those people involved in the subsequent claim.

Requests for assistance from CCTV cameras in third party claims are increasing especially with regard to traffic accidents. Often it is the person involved in the accident who will contact the Head Teacher and ask if they have any images or if they can come and have a look. Requests of this kind should normally be refused. Instead, members of the public should be advised to contact their insurance company and ask them to write to the Corporate Information Team formally, giving as much detail about the incident as possible and requesting assistance. It is also important that the person requesting the information is advised that the letter is received before the overwrite period on the recorder. No other action should be taken at this stage.

If the letter arrives within the recording period, the Head Teacher should view the images. If the incident was not caught on camera the insurers or solicitor can be called and informed and the case can be closed. If the letter arrives after the recording period, there will be no relevant images and again the person requesting the images should be informed.

If relevant images are found on the recorder, the insurance company / Solicitor should be informed and asked if they want a copy. If they do, then they need to be informed that there will be a fee. The fee should be based on the amount of time spent by staff viewing, copying and processing the images based on the hourly salary rate rounded up to the nearest hour. It should also include post and packaging and the cost of the media supplied. This should then be sent as an invoice to the recipient. No charges will be raised against internal requests for assistance.

The images may then be copied and sent to the relevant person accompanied by two copies of a letter reminding them that Wrexham County Borough Council retains 'copyright' over the images, that they are responsible for the security and destruction of the images and that the images may not be used for any other purpose other than the one they were released for. The details of the media released should be included (i.e. media number) in the letter and they should be asked to sign one copy of the letter confirming they have received the images and accepting the conditions of release. A detailed record of all actions must be maintained. Failure to comply with the conditions of release may result in legal action being taken against the person who signed the acceptance letter.

## **Signage**

All areas where CCTV is in use should be clearly signed to comply with Data Protection legislation. This is to warn people that they are about to enter an area covered by CCTV cameras or to remind them that they are still in an area covered by CCTV. The signs will also act as an additional deterrent. CCTV signs should not be displayed in areas, which do not have CCTV cameras.

The signs should have a yellow background with all writing in clear black print. The sign should carry the CCTV camera and organisation's logo. The information on the sign should explain why the CCTV cameras are there, who runs them and a contact number. The signs, position and the message needs to be big enough to enable people to easily read the information on it. For pedestrians the sign should be A4 size and for vehicle access A3 size

## **Third party access requests**

Under Data Protection legislation and the Freedom of Information Act members of the public and other organisations have the right to ask to see data held by local authorities and other public bodies. This data includes visual images captured by CCTV.

As a general principle access to this data should not be refused. However, there are certain circumstances when it will not be possible to provide images from CCTV - for example, when the images form part of a criminal investigation. In all instances where access requests are received, they should be passed onto Wrexham County Borough Council's Corporate Information Team (who have responsibility for dealing with access requests) for action, before CCTV images are released.

## **Recording Systems**

All staff required to operate CCTV equipment are to receive training in the use of the equipment and must conform to this Policy document and Code of Practice at all times. Staff who operate the recorders will be required to sign a 'Confidentiality Statement', which prohibits them from making any material available for purposes other than those stated in the Code of Practice. Any other staff having access to the equipment will also sign a Confidentiality Statement. Once signed, the Confidentiality Statement should be placed in their personnel file.

Except for evidential purposes images will not be copied in whole or in part.

Recorded material will not be sold or used for commercial purposes or the provision of entertainment. Images provided to the Police or other enforcement agencies or for internal investigations shall at no time be used for anything other than the purposes for which they were originally released.

Recording equipment and recording media will be kept in a secure location and no access will be granted to unauthorised staff.

All images will remain the property and copyright of Wrexham County Borough Council.

Each use of media will be noted in the CCTV Register. The CCTV Register will be stored in a secure place.

### **Disciplinary offences and security**

Tampering with or misuse of cameras, monitoring or recording equipment, images or recorded data by staff may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or criminal prosecution.

Any breach of this Policy document or the CCTV Code of Practice will be regarded as a serious matter. Staff who are in breach of this instruction will be dealt with according to the Council's disciplinary procedures.

The responsibility for guaranteeing the security and proper use of the system will rest with the Head Teacher. The Head Teacher, in the first instance, will investigate all breaches or allegations of breaches of security or misuse and will report his / her findings to the DPO.

### **Health and safety**

The Head Teacher is to ensure that staff are made aware of and comply with all Wrexham County Borough Council's policies on health and safety with assistance from the Corporate Health & Safety Lead. In particular, they are to be aware of policies relating to working with electrical equipment, VDU Regulations.

### **Complaints**

Complaints about the operation of a CCTV system should be addressed initially to the Head Teacher. Complaints will be dealt with in accordance with the Council's complaints procedure.