



Review Sheet

Last Reviewed
19 Jan '23Last Amended
19 Jan '23Next Planned Review in 12 months, or
sooner as required.

Business impact



Minimal action required circulate information amongst relevant parties.

Reason for this review

Scheduled review

Were changes made?

Yes

Summary:

This policy will support with the use of CCTV and hidden cameras within a service to ensure that the privacy and dignity of individuals are maintained. It has been reviewed with no major changes, and the content is still current and valid. References and links have been checked and updated.

Relevant legislation:

- Regulation of Investigatory Powers Act 2000 (RIPA)
- The Telecommunications (Lawful Business Practice) (interpretation of Communications) Regulations 2000
- The Care Act 2014
- Freedom of Information Act 2000
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Human Rights Act 1998
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Protection of Freedoms Act 2012 (links to) The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012
- Data Protection Act 2018
- UK GDPR

Underpinning knowledge - What have we used to ensure that the policy is current:

- Author: ICO, (2022), *How can we comply with the data protection principles when using surveillance systems?*. [Online] Available from: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance/how-can-we-comply-with-the-data-protection-principles-when-using-surveillance-systems/> [Accessed: 19/1/2023]
- Author: Surveillance Camera Commissioner and the Information Commissioners Office, (2020), *Data protection impact assessments guidance for carrying out a data protection impact assessment on surveillance camera systems*. [Online] Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90484/data-protection-impact-assessments-guidance-for-carrying-out-a-data-protection-impact-assessment-on-surveillance-camera-systems.pdf [Accessed: 19/1/2023]
- Author: Information Commissioner's Office, (2021), *Guide to the UK General Data Protection Regulation (UK GDPR)*. [Online] Available from: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/> [Accessed: 19/1/2023]
- Author: CQC, (2022), *Using surveillance in your care service*. [Online] Available from: <https://www.cqc.org.uk/guidance-providers/all-services/using-surveillance-your-care-service> [Accessed: 19/1/2023]
- Author: CQC, (2022), *Using Cameras or other recording equipment to check somebody's care*. [Online] Available from: <https://www.cqc.org.uk/contact-us/report-concern/using-cameras-or-other-recording-equipment-check-somebodys-care> [Accessed: 19/1/2023]

Suggested action:

- Encourage sharing the policy through the use of the QCS App



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Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.



1. Purpose

1.1 To help reduce the fear of crime for staff, Service Users and visitors, (particularly those who are entering and leaving Inlet Limited t/a Loxley Court during the hours of darkness) and to protect Inlet Limited t/a Loxley Court from criminal activity.

1.2 To set the acceptable parameters for the use of hidden Cameras by Inlet Limited t/a Loxley Court and ensure that any CCTV system, including Service User's communication devices, are not abused or misused.

1.3 This policy dovetails with the Home Office Surveillance Camera Code of Practice and The Information Commissioners Office (ICO) CCTV Code of Practice.

1.4 To support Inlet Limited t/a Loxley Court in meeting the following Key Lines of Enquiry/Quality Statements (New):

Key Question	Key Lines of Enquiry	Quality Statements (New)
CARING	C3: How are people's privacy, dignity and independence respected and promoted?	QSC1: Kindness, compassion and dignity QSC3: Independence, choice and control
EFFECTIVE	E7: Is consent to care and treatment always sought in line with legislation and guidance?	QSE6: Consent to care and treatment
RESPONSIVE	R2: How are people's concerns and complaints listened and responded to and used to improve the quality of care?	QSR4: Listening to and involving people
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?	QSS3: Safeguarding
SAFE	S2: How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?	QSS4: Involving people to manage risks QSS5: Safe environments
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?	QSW5: Governance, management and sustainability

1.5 To meet the legal requirements of the regulated activities that {Inlet Limited t/a Loxley Court} is registered to provide:

- | Regulation of Investigatory Powers Act 2000 (RIPA)
- | The Telecommunications (Lawful Business Practice) (interpretation of Communications) Regulations 2000
- | The Care Act 2014
- | Freedom of Information Act 2000
- | The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- | Human Rights Act 1998
- | Mental Capacity Act 2005
- | Mental Capacity Act Code of Practice
- | Protection of Freedoms Act 2012 (links to) The Protection of Freedoms Act 2012 (Disclosure and



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Barring Service Transfer of Functions) Order 2012

- | Data Protection Act 2018
- | UK GDPR



2. Scope

2.1 The following roles may be affected by this policy:

- | All staff

2.2 The following Service Users may be affected by this policy:

- | Service Users

2.3 The following stakeholders may be affected by this policy:

- | Family
- | Advocates
- | Representatives
- | Commissioners
- | External health professionals
- | Local Authority



3. Objectives

3.1 To ensure that CCTV systems are operated lawfully and only for the defined purposes set out within this policy. Inlet Limited t/a Loxley Court is clear that the rationale for the use of CCTV is to detect, prevent and reduce the incidence of crime on the property of Inlet Limited t/a Loxley Court.

3.2 To support Inlet Limited t/a Loxley Court in promoting the privacy of all Service Users, staff and visitors at all times and that staff and Service Users understand their rights regarding the use of hidden surveillance within Inlet Limited t/a Loxley Court.



4. Policy

4.1 Inlet Limited t/a Loxley Court recognises and endorses people's rights to privacy and dignity whilst balancing protection from avoidable harm. Inlet Limited t/a Loxley Court will consult with Service Users and gain their consent before using any surveillance equipment. For those Service Users who lack capacity, Inlet Limited t/a Loxley Court will consult with their legal representatives and best interests will be determined under the Mental Capacity Act (2005).

4.2 Inlet Limited t/a Loxley Court will have a designated COO who will take legal responsibility for the operation and compliance of the CCTV system and resulting data. At Inlet Limited t/a Loxley Court this is Paula Holdsworth.

4.3 The storage and disclosure of information from surveillance systems will be controlled and consistent with the purpose(s) for which the system was established and in line with data protection principles.

4.4 The use of surveillance will never substitute suitably skilled, knowledgeable staff in relation to the numbers required to support Service Users. Where poor care is identified through the use of surveillance, relevant policies will be followed. Where criminal activity is discovered or suspected, Inlet Limited t/a Loxley Court will notify the relevant authorities and bodies.

4.5 Inlet Limited t/a Loxley Court recognises that Service Users' communication devices (such as Alexa Show and Facebook Portal) are forms of CCTV, and Inlet Limited t/a Loxley Court will ensure people's rights to privacy and dignity are maintained when these devices are in use.



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5. Procedure

5.1 Privacy Impact Assessments

Inlet Limited t/a Loxley Court will conduct a privacy impact assessment in line with its GDPR policy on privacy impact assessments before considering implementing any CCTV system or modifying an existing system.

The Privacy Impact Assessment must be written and stored for future reference.

5.2 Siting CCTV systems

Authorisation must be sought from Inlet Ltd before introducing a new CCTV system or modifying an existing one. The ICO should be notified prior to the installation of any CCTV system. The ICO will expect to be told what the data being recorded will be used for.

It is essential that the location of the equipment is carefully considered, as the way images are captured must comply with the Data Protection Regulations.

Cameras will be located in prominent positions within Service User, public, and staff view and will not infringe on living and circulating areas (corridors etc.).

CCTV surveillance will be automatically recorded and any breach of the Codes of Practice (i.e. The Home office Surveillance Camera Code of Practice and The Information Commissioners Office (ICO) CCTV Code of Practice) will be detected via controlled access to the system and auditing of the system.

Signs must be placed at entrance points to the premises of Inlet Limited t/a Loxley Court and throughout the site to ensure that staff and visitors are aware that they are entering an area that is covered by CCTV surveillance equipment. The signs must include details of the purpose of the CCTV as well as the organisation and contact details of the person responsible for the CCTV.

The use of covert CCTV (directed) surveillance, should be considered only after consultation with the Police, whose advice and requirements must be met.

Siting a camera within a Service User's place of care provision must be carried out in consultation with the Service Users and their family. Privacy concerns that are identified during the consultation with the Service User must be given due consideration.

CCTV surveillance systems will not be used to record conversations between Service Users, visitors or staff.

5.3 Quality of the Images

Images produced by the equipment should be clear in order that they are effective for the purpose(s) for which they are intended. For example, if a system has been installed to prevent and detect crime, then it is essential that the images are adequate for that purpose.

Camera installations and service contracts should be undertaken by NSI approved security companies where the equipment is placed in or on the site of the premises of Inlet Limited t/a Loxley Court. Upon installation, all equipment is tested to ensure that only the designated areas are monitored and that high-quality pictures are available in live and playback mode. All CCTV equipment should be serviced and maintained on an annual basis by an NSI approved company. The Data Controller should have access to the manufacturer's guidelines for the system in use.

The system can consist of cameras recording to digital recorders. These recorders must be located in secure locations, with access control at two levels:

- | Access to the location must be available only to authorised persons
- | Access to images must be password protected and limited to persons authorised to view them

5.4 Processing Images

Images, which are not required for the purpose(s) for which the equipment is being used, should not be retained for longer than is necessary. While images are retained, it is essential that their integrity is maintained, whether it is to ensure their evidential value or to protect the rights of people whose images may have been recorded.

All images that are digitally recorded in or on site at the premises of Inlet Limited t/a Loxley Court must be stored securely within the system's hard drive for up to 30 days after which they must then be automatically erased. Located within the premises of Inlet Limited t/a Loxley Court, there may be sub-monitors which display images of public areas. However, these must be located within enclosed areas and only accessible to the COO or a designated other at Inlet Limited t/a Loxley Court.

Where the images are required for evidential purposes in legal or disciplinary proceedings, a separate recording is made and placed in a sealed envelope, signed and dated and held by Lynn Hart until completion of the investigation. The viewing of images must be controlled by the COO or a person



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nominated to act on their behalf. Only persons trained in the use of the equipment and authorised by the COO can access data. For images taken by equipment belonging to a Service User or their family, these can be shared with the Police, adult services or other relevant parties.

Inlet Limited t/a Loxley Court should follow the Archiving, Disposal and Storing of Records Policy and Procedure.

5.5 Access and Disclosure of Images

Requests from Third Parties

CCTV systems in use at Inlet Limited t/a Loxley Court have restricted and carefully controlled access. Access to recorded material will be restricted to such parties and persons as the COO may decide, in accordance with legislation and good practice.

Access to and disclosure of images is permitted only if it supports the purpose of the scheme. Under these conditions, the CCTV images record book must be completed for images taken on or in company premises.

Requests by Individuals

Individuals who request access to images taken on or in company premises must be issued with an Access Request Form in line with the GDPR policy on Subject Access Requests. Upon receipt of the completed form, Lynn Hart and the COO will need to ensure that the requester is present in the footage and that, by supplying the footage, they do not disclose any personal data of another Data Subject. This may involve blurring parts of the footage such as figures or licence plates. If the duty of care cannot be discharged, then the request can be refused.

A written response must be made to the individual, giving the decision (and if the request has been refused, giving reasons) within 40 days of receipt of the enquiry in line with the Subject Access Requests Policy and Procedure.

5.6 Use of Hidden Cameras

Inlet Limited t/a Loxley Court will only consider the use of hidden cameras where grounds of poor care are suspected in specific situations and when all other avenues of monitoring and evidence gathering are exhausted. It is expressly forbidden for any hidden camera activity by Inlet Limited t/a Loxley Court staff to take place without it being directed by Lynn Hart.

Paula Holdsworth is responsible for the monitoring of this procedure in particular and providing advice relating to it. Lynn Hart has the overall responsibility for this procedure.

Procedure

- | Where hidden cameras are necessary, Inlet Limited t/a Loxley Court will work transparently with the Service User to seek their informed consent and work together with them throughout the process, offering choice and control wherever possible. If a Service User lacks the capacity to understand, information will be relayed to their legal representative and best interest decisions made
- | Obtained consent will be recorded and stored securely in the Service User's file and Service Users should be given the option to control the hidden camera's function to record
- | Any footage should be reviewed in conjunction with the Service User and the next steps discussed and agreed. Only footage relating to the incident that the hidden camera was used for should be kept and only for the duration it is needed. All footage from cameras must be stored securely and deleted securely whilst following retention procedures

The use of a hidden camera may only commence when Lynn Hart and Paula Holdsworth are satisfied that:

- | Where a complaint has been made, the procedure for complaints has been followed first
- | All other avenues have been exhausted
- | An assessment of necessity has been made, giving consideration to the rights of staff and Service Users
- | The Service User or their legal representative has been provided with the information they need to make an informed decision and/or best interest decision
- | Activity has been agreed in writing for each case and is subject to regular review
- | Positioning and use comply with data protection requirements and support dignity and respect
- | Equipment is fit for purpose and risk assessed

Where poor care is found or criminal activity suspected or witnessed, the Discipline Policy and Procedure must be followed and, where necessary, the police informed, Sheffield City Council safeguarding teams alerted and relevant bodies notified.

5.7 Use of Communication Devices

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Service Users may choose to have a communication device within Inlet Limited t/a Loxley Court that allows them access to family and friends. Examples of such devices can include Alexa Show and Facebook Portal, which may attach to a TV or laptop or are freestanding devices.

These devices follow the same principles as CCTV and staff must be mindful that recording of the room, voices and unannounced visits can take place through such devices.

A privacy impact assessment must be completed and informed consent gained from the Service User when a communication device is in use; this is to ensure that privacy and dignity is maintained at all times. Where the Service User lacks capacity, a best interest decision and the Mental Capacity Act must be followed.

The Service User's Care Plan should also clearly document any requirements, such as any communication devices being disabled or closed when support such as personal care is being conducted.

Staff can find further information on the ICO website in relation to complying with [data protection principles](#).

5.8 Review and Evaluation

The use of CCTV systems within Inlet Limited t/a Loxley Court will be reviewed yearly alongside the ICO renewal requirement, or when opportunities to use alternative measures arise.

Feedback will be gathered from stakeholders, staff and Service Users in relation to the use of surveillance and this will be used to review practice and acted upon accordingly.

Inlet Limited t/a Loxley Court will make use of the resources and audit tools available through the ICO as a means of assuring best practice in relation to surveillance systems.

The COO must have a system in place to ensure that the date and time stamp recorded on images is accurate.

5.9 Breach and Enforcement

Where a breach of any data protection principles takes place, Inlet Limited t/a Loxley Court will record this and inform the ICO.

The ICO has the power to issue Enforcement Notices. An Enforcement Notice will set out the remedial action that the Commissioner requires of Inlet Limited t/a Loxley Court to ensure future compliance with the requirements of the Act.

Staff should refer to the GDPR Breach Notification Policy and Procedure.

5.10 It is recommended practice that Inlet Limited t/a Loxley Court completes the [CCTV Data protection self-assessment](#) as provided by the ICO in order to gain assurance of full compliance with legislation, regulation and best practice.

Only staff who have been trained and have updated knowledge of the law relating to the use of surveillance and audio visual equipment will be involved in any part of this policy and its associated procedures.

5.11 Planned Surveillance by Service Users or others within Inlet Limited t/a Loxley Court

Lynn Hart promotes an open and transparent culture that enables Service Users and their loved ones to discuss any concerns regarding Service User care without having to resort to surveillance. Where complaints arise, the individual will be supported to discuss their concerns and the reason for requesting surveillance. The individual will be supported to access the procedure for making complaints at Inlet Limited t/a Loxley Court. Where concerns discussed have the potential to be safeguarding issues, Sheffield City Council safeguarding and regulatory bodies will be notified immediately.

Lynn Hart will need to be satisfied that any request for surveillance is justified. The ICO makes it clear that using surveillance because someone has asked for it will not meet the DPA requirements. Lynn Hart or a delegated other will complete a Privacy Impact Assessment to demonstrate the process and will work with the individual to source suitable alternative resolutions that satisfy all parties involved. They will also seek the advice of the Sheffield City Council safeguarding teams if they are concerned that the individual may still proceed without permission, or the situation becomes untenable.

Where the use of surveillance is agreed (by multidisciplinary approaches), permission must be sought from the individual that the concerns relate to. They must be able to agree to the use of technology. Lynn Hart will also take into account that just because somebody does not object to it does not mean they agree to it. There will be a written plan that includes who the recordings will be shared with, and what has been agreed. If the Service User cannot consent due to lack of capacity, decisions will be made in accordance with the Mental Capacity Act, with due consideration and application of the Deprivation of Liberty Safeguards.

At no time will the care of Service Users be affected by the situation and care will continue to be delivered.

5.12 Procedure for the Discovery of Surveillance Equipment

- 1 Upon discovering surveillance equipment in use, Lynn Hart or the most senior member of staff will be informed immediately



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- | Lynn Hart will carefully and without damaging the equipment turn off the device and remove it from the room, placing the item in a locked cupboard until it can be safely returned to its owner by Lynn Hart. The content will not be deleted
- | Lynn Hart will identify who placed the recording equipment and investigate their reasoning for the surveillance
- | All involved parties will be informed that they have been recorded and informed of their rights whilst seeking support and advice from Inlet Ltd or a legal team
- | Any findings from the recording will be acted upon, investigated and the Sheffield City Council safeguarding teams and the CQC informed, with outcomes delivered as identified as part of a multidisciplinary approach to managing the situation
- | Once the situation has resolved, Lynn Hart will agree with the person who initially used the surveillance how to proceed without the use of further surveillance. At the same time, they will be warned that further surveillance without the permission of staff or the Service User could result in a breach of the Service User's terms and conditions
- | At no time will the care of the Service User be affected
- | Written records will be held of the incident and resulting action



6. Definitions

6.1 Consent

- | A person's agreement to, or permission for a proposed action, particularly any form of examination, care, treatment or support (CQC definition)
- | Consent should be informed - the individual should know what they are consenting to because they understand the question and what it is regarding

6.2 Overt Surveillance

- | This is where the individual being monitored would reasonably be aware of the surveillance occurring. For example, the use of a visible CCTV camera with clear signs stating that CCTV cameras are in use

6.3 Covert Surveillance

- | Covert surveillance is where people being monitored would not be aware of the surveillance occurring

6.4 ICO

- | The ICO is the UK's independent body set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals

6.5 Surveillance Systems

- | Surveillance systems are the technology and equipment used to carry out surveillance or to store and process the information gathered. Advances in technology mean that new systems or methods may become more commonplace. For simplicity in this information, we will generally make reference to 'surveillance', which could encompass CCTV, Wi-Fi cameras, audio recording, radio-frequency identification (RFID) tracking and many other types of systems. This information sets out considerations that can be applied to these and any other existing or emerging technologies (CQC definition)



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Key Facts - Professionals

Professionals providing this service should be aware of the following:

- 1 Inlet Limited t/a Loxley Court will only operate hidden cameras with the consent of the Service User or their legal representatives
- 1 Communication devices used by Service Users can also be another form of surveillance and must be operated with the consent of the Service User or their legal representatives
- 1 Service Users' privacy and dignity are of paramount importance to Inlet Limited t/a Loxley Court. However, ensuring safe, high-quality care may infrequently mean that Inlet Limited t/a Loxley Court will consider the use of a hidden camera to provide evidence of poor care
- 1 The use of surveillance in places where people are receiving health and social care is likely to raise greater privacy concerns than in any other kind of business, especially where the care is being provided in the Service User's personal space
- 1 Transparency and openness are vital in order to meet legal requirements as well as maintaining the trust of people who use the services and of care staff. However, there may be limited circumstances where the legitimate use of covert surveillance prevents such openness for a short time
- 1 Covert and overt surveillance can have legitimate uses. However, there are strict laws in place to ensure that the benefits are weighed against the impact on the person's privacy



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- 1 Inlet Limited t/a Loxley Court will ensure that if there is any surveillance system in use at its premises that staff and you are aware
- 1 There are strict laws and codes of practice in place to ensure that surveillance equipment is only used when all other options have been exhausted and there is a clear rationale for its use
- 1 These laws and codes of conduct also extend to the protection of data that may be captured in the systems and you can be assured that this will be treated sensitively and kept secure in accordance with the law
- 1 We will ask you if you agree (consent) to Inlet Limited t/a Loxley Court using a hidden camera and will keep you up to date with what is happening. Rest assured, where we find poor care, we will deal with it, make sure it improves and ensure that people are held responsible for their actions
- 1 Your privacy and dignity are really important to Inlet Limited t/a Loxley Court. However, ensuring safe, high-quality care may sometimes mean that Inlet Limited t/a Loxley Court will consider the use of a hidden camera to find out if poor care is happening
- 1 The use of hidden cameras is a 'last resort' and they will only be used once we have tried every other way of getting to the bottom of what is happening and gathering the facts



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

ICO - What's new?

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/whats-new/>

GOV.UK - Secure by Default - Self-certification of Video Surveillance Systems:

<https://www.gov.uk/government/publications/secure-by-default-self-certification-of-video-surveillance-systems>

Care Campaign For The Vulnerable:

<https://www.carecampaignforthevulnerable.com/index.php>



Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- | The assessment process used to determine the need for surveillance is evaluated regularly to ensure that surveillance remains fit for its purpose and meets legislative and regulatory requirements
- | The wide understanding of the policy is enabled by proactive use of the QCS App
- | Inlet Limited t/a Loxley Court undertakes regular audits of how it manages personal data and ensures that the way information is obtained, stored and used is regularly reviewed and that corrective action is taken as required
- | Communication systems are effective in enabling feedback from individuals who may be affected by the use of CCTV systems
- | Inlet Limited t/a Loxley Court has completed a Privacy Impact Assessment in relation to CCTV at Inlet Limited t/a Loxley Court and adopted changes as a result of this



Forms

Currently there is no form attached to this policy.