01.20 Closed circuit television (CCTV)

CCTV is used for the purpose of providing additional security for children, staff, parents/carers, visitors and other agencies concerned with the setting.

The use of CCTV at Maidenbower Preschool Playgroup is informed by the guiding principles of the Surveillance Camera Code of Practice (Home Office 2013) as follows:

1. Use of a surveillance camera system must always have a specified purpose which is in pursuit of a legitimate aim and necessary to meet a pressing need.

   The purpose will be to further support the perception of the safety and well-being of children, staff and visitors to the setting; to protect the setting and its assets; to assist in the detection of any crime that may have been committed and ultimately to further ensure that the safeguarding and welfare requirements of the Early Years Foundation Stage (EYFS) are adhered to at all times. CCTV is never used without a specified purpose and likewise is not reviewed by staff members who do not have authority and a specific reason for doing so.

2. The use of a surveillance camera system must consider its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

   The Human Rights Act (1998) gives every individual the right to private life and correspondence. This means that CCTV will only be used in public areas of the setting, i.e., reception and group rooms. The owners/directors/trustees will review the continued use of CCTV at least annually and will discuss any issues arising from the use of CCTV during routine supervision with the setting manager.

3. There must be as much transparency in the use of surveillance camera systems as possible, including a published contact point for access to information and complaints.

   There are signs clearly displayed for staff, parents and visitors, informing them that CCTV is in operation and that they may be recorded. The procedure is displayed for staff, visitors and parents/carers. Complaints relating to the use of CCTV should be discussed with the setting manager in the first instance following 10.2 Complaints procedure for parents/carers and service users.

4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

   The setting manager is responsible for the day-to-day management of the CCTV system. Images are stored on the system for up to 4 weeks and are then automatically recorded over. Images are not routinely scrutinised unless there is a legitimate reason to do so, i.e., a complaint or allegation is made by a parent, member of staff or visitor to the premises, or an allegation is made by a child.

5. Clear rules, policies and procedures must be in place before a surveillance camera system is used and these must be communicated with all who need to comply with them.

The procedure covers all aspects and is reviewed annually. All staff are aware of the procedure and their role and responsibility. Parents/carers and visitors are made aware of the procedure which is displayed clearly for them to view at any time. The following details are kept:

- name of setting manager responsible for day-to-day CCTV use
- name of setting manager's line manager
- name of CCTV system used
- number and positions of cameras in use daily
- names of staff authorised to view CCTV images (ensuring this is only staff with a legitimate reason to do so)
- how CCTV procedures are explained to all staff, students, parents/carers and visitors
- contact number for CCTV maintenance

6. No more images and information should be stored than that which is strictly required for the stated purpose of the surveillance camera system, and such images and information should be deleted once their purpose is discharged.
7. Images are recorded over or destroyed after 4 weeks and are only used as stated above. Images must not be destroyed before this time if an official request to view them is made.
8. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place for law enforcement purposes.

   Only the setting manager, their line manager and deputy have access to retained CCTV images. If an instance arises where the CCTV images need to be reviewed to prove or disprove an allegation or incident, this is the responsibility of the setting manager who will share the images with the police, social care, Ofsted or their childminder agency to assist with an official investigation if required. A record is retained, containing the date of the incident/allegation; camera number of positions; brief description of the incident/allegation with reference to related safeguarding forms; who the footage was viewed by date viewed and action taken and counter signed by a senior member of staff. Images may also be requested by the owners/directors/trustees for the purpose of investigating an incident.
9. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to maintain those standards.

   The setting manager and their line manager will take heed of local and national guidance for the use of CCTV in the setting. The setting manager ensures that all staff involved understand their duty to adhere to section 07 Record keeping procedures, which also details how others may request a copy of the data and under what circumstances.

10. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

    The setting manager is responsible for the security measures to safeguard against unauthorised access and use. This will include the security of the location where images are stored.

11. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

    The setting manager is responsible for ensuring that policies and standards are always adhered to, seeking further advice from the owners/directors/trustees at any point when the images must be scrutinised for the purpose of investigating an incident.

12. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

    If CCTV images are reviewed following an incident or an allegation, a record is made**.** Under no circumstances are CCTV images shared with parents or other service users unless there is a legitimate reason for doing so, i.e., to disprove an allegation against a member of staff. The process for using CCTV in these circumstances is as follows:

    - an allegation or incident occurs that may have been caught on CCTV
    - setting manager reviews CCTV footage and retains a record
    - setting manager reports their findings to the owner/trustees/committee
    - if there is reason to believe that a crime may have been committed then an investigation takes place following the 06 Safeguarding children, young people and vulnerable adults procedures and 07 Record keeping procedures.
    - a parent/carer or other person whose image has been recorded, retained, and wishes to access the images must apply to the setting manager in writing
    - the Data Protection Act gives the manager the right to refuse a request to view the images, particularly where such access may prejudice the prevention or detection of a crime
    - if access to the image is refused then the reasons are documented and the person who made the request is informed in writing within 28 days. The images are not destroyed until the issue is resolved
    - at all times, 06 Safeguarding children, young people and vulnerable adults' procedures are followed. (see additional statements regarding the use and implications for safeguarding procedures)

13. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

Legal basis

Human Rights Act 1989

Data Protection Act 1998

Protection of Freedoms Act 2012

GDPR 2018

Guidance

Surveillance Camera Code of Practice (Home Office 2013 updated 2021) 2022