

Document Type: PROCEDURE		Unique Identifier: CORP/PROC/406
Title: Management of Close Circuit Television Footage for Evidence		Version Number: 3
		Status: Ratified
Scope: Trust Wide		Classification: Organisational
Author/Originator and title: Karen Sanderson, Local Security Management Specialist		Responsibility: Clinical Governance
Replaces: Version 2 Management of Close Circuit Television Footage for Evidence Corp/Proc/406	Description of amendments: Amendments throughout	
Name Of: Divisional/Directorate/Working Group:	Date of Meeting:	Risk Assessment: Not Applicable
		Financial Implications Not Applicable
Validated by: Clinical Governance Management Team Meeting Chairman's Action	Validation Date: 06/01/2012	Which Principles of the NHS Constitution Apply? Principle 4
Ratified by: Health & Safety and Environmental Governance Committee	Ratified Date: 06/01/2012	Issue Date: 06/01/2012
Review dates may alter if any significant changes are made		Review Date: 01/12/2014
Does this document meet the requirements of the Equality Act 2010 in relation to Race, Religion or Belief, Age, Disability, Gender, Sexual Orientation, Gender Identity, Pregnancy & Maternity, Marriage and Civil Partnership, Carers, Human Rights and Social Economic Deprivation discrimination? Initial Assessment		

1. PURPOSE

The aim of the procedure is to ensure that CCTV systems used throughout Blackpool Teaching Hospitals NHS Trust comply with current regulations.

2. SCOPE

The procedure applies to all security related staff and their Managers within Blackpool Teaching Hospitals NHS Trust

3. PROCEDURE

3.1 Police

Independent Police Role

Where the Police are not involved as one member of a partnership Blackpool Teaching Hospitals NHS Trust have obtained an agreement on provision for communication and mutual exchange of information about the scheme and for reports from both the Trust and police on compliance with the code of practice.

Monitoring and audit should be undertaken by officers of appropriate seniority and experience. In the case of audit the police officer responsible for audit should have attained at least the rank of Inspector.

3.2 Public Information

Cameras

- Cameras shall not be hidden but should as far as is consistent with the purposes of the scheme be placed in public view.

Signs

It is a legal requirement that the operators of CCTV provide clear and visible signs warning those who are being filmed that CCTV is in operation.

- Signs that CCTV cameras are operating shall be displayed at the perimeter of the area covered by the scheme and at other keypoints.
- The signs shall inform the public that cameras are in operation and allow people entering the hospital to make a reasonable approximation of the area covered by the scheme.
- Signs shall identify Blackpool Teaching Hospitals NHS Trust and give an official address.
- There is no requirement to place signs directly under cameras.

When signs are not displayed a scheme is regarded as covert to which more specific regulations apply.

3.3 Code Of Practice

The code of practice is a public document and must be available for inspection and procedures made available at the general Office, Security Room and by appointment with a nominated manager of the scheme, where its availability shall be made known through the provision of notices. The availability of the code of practice should be publicised in connection with any publicity arranged for the scheme.

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

3.4 Statement of Intent

Tapes And Recorded Materials

In accordance with the principles underlying this section of the code Blackpool Teaching Hospitals NHS Trust adopt a statement of intent on use of access to recorded material including the following:

- Recorded material shall be used only for the purposes defined in this code of practice.
- Access to recorded material shall only take place as defined in the code of practice.
- In particular recorded material shall not be sold or used for commercial purposes or the provision of entertainment.
- The showing of recorded material to the public shall only be allowed in accordance with the law; either in compliance with the needs of the police in connection with the investigation of crime, which shall be conducted in accordance with the provisions of any relevant code of practice under the Police and Criminal Evidence Act 1984 and any advice and guidance given to the police from time to time; or in any other circumstances provided by law.

Blackpool Teaching Hospitals NHS Trust hold sole ownership of recorded material and copyright of the recorded material.

Accurate recording

- Recording equipment is checked daily to ensure it is in good working order.
- A test recording is made monthly to check tape quality.
- A report is sent weekly on the operation of all cameras to the Physical Risk Manager.

Evidential Use Of Recordings

- CD's required for evidential purposes shall be treated as exhibits and shall be retained and stored according to procedures agreed with the Police. Where appropriate, procedures should be approved by a prosecuting authority.
- Any tape and/or recording media that is provided for evidential purposes must be of proven integrity.
- Staff shall be required to provide the police with statements required for evidential purposes.

Should images be retained for evidential purposes, they will be kept in a secure place to which access is controlled. The copies of these images are only admissible provided that there is a clear audit trail to the original.

Police Access To Recordings

Police may apply for access in accordance with an agreement made with the Blackpool Teaching Hospitals NHS Trust where the Police reasonably believe that access to specific recordings is necessary for the investigation and detection of a particular offence or offences or for the prevention of crime.

Police may obtain access under the provision of the Police and Criminal Evidence Act 1984 (PACE).

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

CD's provided to the Police shall at no time be used for anything other than the purpose specified and identified when the tape is released to the police by the control room. Arrangements may be made from time to time for a Police officer appointed in accordance with liaison arrangements to visit the control room and confirm that agreed procedures are being followed.

On removing the medium for use in legal proceedings the operator should ensure that the date on which the images were removed from the system and the reason for their removal is documented, a police Log number or crime incident should also be recorded along with the details of the police officer seizing the images. This information will be supplied on access to view or copy images. The Access to View or Copy Images Proforma at Appendix 1 must be used and will be retained within the relevant unit.

Third Party Access To Recordings

- Access to recordings may be obtained in connection with civil disputes by court order or be extended to lawyers acting or defendants or victims in connection with criminal proceedings.
- No other access shall be allowed unless approved by the individual appointed to have day-to-day responsibility for the scheme for reasons which fall within the purposes and objectives of the scheme and in accordance with the code of practice.

Data Requests

- Data subjects may request a copy of any recorded images that have been made of them. This is known as a Subject Access Request and access can only be denied where such an action would compromise the detection or prevention of crime, or where it may impede the apprehension or prosecution of offenders. Any request by a staff member, service user or other visitor to the Trust for access to CCTV footage must be made to the Trust's Data Protection Officer (Information Governance Manager) in order for the correct procedure to be followed.

Use of CCTV as part of Disciplinary Process

CCTV images would not normally be used during an internal disciplinary process unless:

- Images of employees show something the Trust could not be expected to ignore such as criminal activity, gross misconduct or behaviour that puts others at risk i.e. it should not be used to investigate less serious allegations of misconduct;
- Such footage is retained so that any employee subject to allegations can see it and respond; this should be the moving footage, not still images;
- The system requirements etc are compliant with the Trust's CCTV policy;
- Where appropriate and possible images of other parties not involved should be deleted as soon as practicable.
- The footage should be included as part of the investigation into an allegation under the Trust's Disciplinary Procedure and therefore made available in accordance with that policy at any formal hearing. It should be securely retained until such time as any appeal process is exhausted.

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

3.5 Photographs

Taking CCTV Photographs During Live Incidents

- ☐ CCTV photographs from live incidents shall only be taken at the request of the Police Officer in charge at the scene, when the officer should be identified, and a record made of the request, together with a note of the incident, and time and date of the request.

Production Of CCTV Photographs

- ☐ A Police Officer of at least the rank of Sergeant may request that the operator produce a CCTV photograph taken at a live incident, or CCTV photographs from video recordings. The authorising officer should be satisfied that the CCTV photograph is required for the prevention of detection of crime.

General

All CCTV photographs shall remain the property of Blackpool Teaching Hospitals NHS Trust and shall be indexed in sequence. A record is to be kept of the reason for production of the photograph, date and time, the particulars of production of a live photograph, and information identifying the control room staff member responsible for producing the photograph.

- Any CCTV photograph released to the Police shall be dealt with by the Police as an exhibit and shall at no time be used for anything other than the purpose specified and identified when released to the police.
- All CCTV photographs shall be destroyed through incineration within 31 days unless made the subject of an application from the Police or are required as evidence. A record shall be kept of the destruction of all photographs.
- The use of photographs for briefing camera operators should be conducted strictly in accordance with advice from the police to avoid contamination of evidence. Unless otherwise advised by police, photographs:

1. should not be on display and should be kept in a binder or album;
2. should be retained only if provided by police for this purpose;
3. Should be seen only by individuals stipulated by the police.

3.6 Dealing with Incidents

Locally agreed procedures must provide for:

- ☐ Referral to police who shall respond according to Trust agreement.
- Compliance with trust arrangements for reporting matters to emergency services.
- Referral to Security Staff and First management Car Parking Ltd Staff.

3.7 Police Contacts And Use Of System

Routine Contact

- Senior staff are nominated for liaison on audit and for decisions with significance for the operation and management of the scheme.
- ☐ Access to tapes and/or recording media and the control room complies with the code of practice and the time and date and purpose of such access be recorded and

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

monitored.

- ☐ The purpose for different links, which must accord with the code of practice and operational guidance, between Police and control room should be understood, complied with, and not exceeded. Any change in these links shall amount to a change in the code of practice and must be agreed in accordance with the code of practice before being implemented.
- Telephone calls from the Police, the officer involved, purpose of call and outcome, is to be recorded in the control room occurrence book.

Police Use Of The System Code

- Police use of the system in any manner must accord with the code of practice and protocols developed between Blackpool Teaching Hospitals NHS trust and the police. Such protocols must be grounded in the code of practice and not extend beyond it nor exclude any aspect of the code of practice.
- Use of or takeover of control of the system should be in clearly defined circumstances agreed according to Trust needs and the purpose of the scheme, be revised annually in context of the local policing plan, and be according to the code of practice.
- Should a request from the Police for use of the system in any manner arise that is not provided of by the code of practice it must be the subject of a specific agreement between the Chief Executive and the superintendent of Police. Where the Trust is not directly involved, agreement should be reached with an identified senior executive of the body responsible for the scheme.
- Any use of the system should be recorded by the control room and by the Police and be subject to audit by both control room and Police procedures. In the control room, reasons for use should be required and recorded in the daily incident log book, with particulars of date and time and the name of the officer making the request
- Records should be retained by police recording the same particulars, and the officer taking responsibility for the decision.
- Where monitoring is taking place both by the control room and the Police station, recording should be carried out only in the control room to avoid the creation of two sets of recordings (future projects).
- Where technological advance means that Police can use any aspect of the system from outside the control room, without making direct contact with the control room, means should be devised to ensure that:
- controls are built in to enable the control room to know when the facility is being used by police; and;
- that records are kept which have the status required of the code and which are subject to audit.

4. ATTACHMENTS	
Appendix 1	CD / DVD Seizure Log
Appendix 2	Equality Impact Assessment Tool

5. ELECTRONIC AND MANUAL RECORDING OF INFORMATION
Electronic Database for Procedural Documents
Held by Policy Co-ordinators/Archive Office

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

6. LOCATIONS THIS DOCUMENT ISSUED TO		
Copy No	Location	Date Issued
1	Intranet	06/01/2012
2	Wards and Departments	06/01/2012

7. OTHER RELEVANT/ASSOCIATED DOCUMENTS	
Unique Identifier	Title and web links from the document library
CORP/PROC/407	Implementation of Close Circuit Television (CCTV) within the Trust http://bfwnet/departments/policies_procedures/documents/Procedure/Corp_Proc_407.pdf
CORP/PROC/545	Body Worn Video Cameras - Operating Overview http://bfwnet/departments/policies_procedures/documents/Procedure/Corp_Proc_545.pdf

8. SUPPORTING REFERENCES/EVIDENCE BASED DOCUMENTS	
References In Full	
Data Protection Act 1998	
Freedom of Information Act 2000	
Human Rights Act 2000	
CCTV Code of Practise	
The Caldicott Principles 1998	

9. CONSULTATION WITH STAFF AND PATIENTS	
Name	Designation

10. DEFINITIONS/GLOSSARY OF TERMS	
Audit	Periodic systematic examination of recorded material and records to review compliance with operational procedures and the code of practice
Evaluation	Independent assessment and appraisal of the CCTV scheme
Monitor	Routine and continuous checking and observation of compliance with operational procedures and the code of practice
Owner	The organisation with overall responsibility for managing the scheme. The owner shall retain overall responsibility for the scheme and for carrying out certain requirements of the code even when the scheme is managed by a contractor
Operator	Individuals responsible for operating the camera controls and other control room equipment
Partnership	A local partnership shall contain a range of local bodies, the local authority, policy, businesses, and others may be involved in future projects
Recorded material	Includes, it is not limited to, material such as video tape, compact disc, computer disks, or films; media on which images are

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

	recorded and can be reconstituted later
Scheme	The totality of the arrangements for closed circuit television in a locality, including, but not limited to, the technological system, staff, and operational procedures
System	The technological system in use in CCTV scheme
Tape	
Video Tape	

11. AUTHOR/DIVISIONAL/DIRECTORATE MANAGER APPROVAL			
Issued By	Karen Sanderson	Checked By	Mary Aubrey
Job Title	Local Security Management Specialist	Job Title	Deputy Director of Corporate Affairs and Governance
Date	January 2012	Date	January 2012

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		

Appendix 1

CD / DVD Seizure Log

When complete this page must be forwarded to the Security Manager for retention Date of final entry:-_____

[illegible]

Appendix 2: Equality Impact Assessment Tool

Blackpool Teaching Hospitals 
NHS Foundation Trust

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Would the relevant Equality groups be affected by the document? (If Yes please explain why you believe this to be discriminatory in Comment box)

Title & Identification Number of the Document: Management of Close Circuit Television Footage for Evidence Corp/Proc/406

	Questionnaire	Yes/No Double click and select answer	Comments
1	Grounds of race, ethnicity, colour, nationality or national origins e.g. people of different ethnic backgrounds including minorities: gypsy travellers and refugees / asylum seekers.	No	
2	Grounds of Gender including Transsexual, Transgender people	No	
3	Grounds of Religion or belief e.g. religious /faith or other groups with recognised belief systems	No	
4	Grounds of Sexual orientation including lesbian, gay and bisexual people	No	
5	Grounds of Age older people, children and young people	No	
6	Grounds of Disability: Disabled people, groups of physical or sensory impairment or mental disability	No	
7	Is there any evidence that some groups are affected differently?	No	
8	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	No	
9	Is the impact of the document/guidance likely to be having an adverse/negative affect on the person (s)?	No	
10	If so can the negative impact be avoided?	N/A	

11	What alternatives are there to avoid the adverse/negative impact?	Please Comment	
12	Can we reduce the adverse/negative impact by taking different action?	N/A	Please Identify How
13 Q1 (a) Is the document directly discriminatory? No (under any discrimination legislation) <ul style="list-style-type: none"> • Racial Discrimination • Age Discrimination • Disability Discrimination • Gender Equality • Sexual Discrimination 		Q2 (b) (i) Is the document indirectly discriminatory? No b (ii) If you said yes , is this justifiable in meeting a legitimate aim N/A	Q3 (c) Is the document intended to increase equality of opportunity by positive action or action to redress disadvantage N/A Please give details To safeguard vulnerable adults
<p>14 If you have answered no to all the above questions 1-13 and the document does not discriminate any Equality Groups please go to section 15</p> <p>If you answered yes to Q1 (a) and no to Q3 (b) this is unlawful discrimination.</p> <p>If you answered yes to Q2 (b) (i) no to Q2 (b) (ii) and no to Q3 (c), this is unlawful discrimination</p> <p>If the content of the document is not directly or indirectly discriminatory, does it still have an adverse impact? No</p> <p>Please give details</p> <p>If the content document is unlawfully discriminatory, you must decide how to ensure the organisation acts lawfully and amend the document accordingly to avoid or reduce this impact</p>			
<p>15 Name of the Author completing the Equality Impact Assessment Tool.</p> <p>Name Karen Sanderson</p> <p>Signature</p> <p>Designation Local Security Management Specialist</p> <p>Date December 2011</p>			

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/406
Revision No: 3	Next Review Date: 01/12/2014	Title: Management of Close Circuit Television Footage for Evidence
<i>Do you have the up to date version? See the intranet for the latest version</i>		