

CCTV in Service Users' Homes in Domiciliary Care Policy

Policy Statement

This policy is written to explain the response of this domiciliary care service to the use of closed-circuit television (CCTV) and similar devices such as webcams inside and/or outside the homes of its service users, which record the actions of its staff while working, including when entering and leaving the home.

It should be used with reference to the agency's policies on [Data Protection](#) and [Stress at Work](#).

The agency understands that visual images such as photographs and video recordings are defined as data and are covered in the same way as written records by data protection principles in organisations, where the GDPR and Data Protection Act 2018 applies. However, it also understands that private dwellings are not covered by the Data Protection Act, which means that the guidance produced by the Information Commissioner's Office on the use of CCTV does not extend to its use in private households.

The agency recognises that it is providing a social service, which in line with its registration responsibilities, has a duty to make sure on the one hand that its service users are kept safe from harm and on the other that its staff are not subject to undue harassment or pressures that could impair the quality of their care and their welfare.

The agency is therefore aware that service users, relatives and representatives might seek to use CCTV and similar devices to record the care being given to service users as a protective measure, but this might also have the effect of increasing staff stress and be counterproductive in terms of achieving the standards of care that are expected of them.

The agency has therefore devised its own Code of Practice, which it applies in those homes where it knows that CCTV or similar devices have been installed (or are planned to be installed), which could record the actions of its staff while carrying out their caring duties. The code does not apply to houses where CCTV has been installed for external security purposes only and which would not record such as times of workers entering or leaving the house. It does apply where such actions are routinely recorded.

Code of Practice

The code is written to reflect the responsibilities of users of surveillance methods in their relationships with other parties who might wittingly or unwittingly be exposed to them as

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described in the Information Commission Office guidance on the use of CCTV in organisations where data protection principles apply.

The agency follows the following principles.

1. The agency acknowledges that any CCTV and similar recording devices belong to the service user/representatives and it has no control over their use. It can, however, negotiate how they are used in relation to the services, which the agency has agreed to provide. It enters into any negotiations with a view to creating relationships with the service user and their representatives, which are based on mutual trust, openness and transparency.
2. The agency also recognises that video recording can be a useful tool to help protect a service user from harm and the risk of harm, to promote learning and development and to improve the quality of care if used appropriately.
3. The agency works on the basis that care practices must only be recorded on CCTV and similar devices with the express permission of the agency and individual carers.
4. Service users/representatives who seek to make use of CCTV within the service delivery process must make this clear at the beginning of the service or when proposing it at any later stage so that its use and conditions of its use can be written into the service agreement.
5. Representatives of a service user who seeks to install or use CCTV on behalf of the actual service user must have obtained the latter's permission or if the person lacks mental capacity to give their consent, the agency will insist that a "best interests" process is carried out.
6. Where any such agreement has been reached, the agency will then make the relevant staff aware of its use. It will then obtain their written agreement to their being recorded within the terms and conditions agreed by the agency.
7. The agency will always seek to establish the purpose of the use of the CCTV (which might not always be directed at the agency's staff, but a means, for example, of checking on the service user her or himself). It will then set out in writing the purpose and any specific objectives, which are relevant to the individual care and support plan.
8. The agency will not agree to the routine recording of any intimate personal care that invades the privacy of the service user and affronts their dignity.
9. The agency could agree to certain aspects of the care provided to be recorded (with consent) for a specific purpose, eg for problem-solving or learning, where there are benefits of recording the procedure for both service user and staff.
10. The agency will not seek to make use of the recording for its own internal monitoring purposes, except by agreement with the service user and staff as in 6 above.

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11. The agency will discuss with the service user/representatives as part of the agreement on the use of the CCTV how long the images of its staff will be retained, what access other people might have to those images and how they will be disposed of. These are all matters that could affect the rights of the agency's employees.
12. The agency will also come to some agreement with the service user/representatives as part of the agreement the rights of access of its staff to any recorded images of them, as they would if the process was following data protection principles.
13. The agency will not tolerate the use of covert surveillance of its staff by a service user and/or their representatives, which implies lack of trust and confidence in both individual staff and the agency. If it discovers that covert surveillance methods are being used unilaterally and without adequate reasons, it will discuss ending its services to that user.
14. Under some circumstances, however, it would accept the results of covert recordings if they provide clear evidence of malpractice or misconduct on the part of the staff member being recorded or to support a complaint.
15. In exceptional circumstances where, for example, there is prior evidence of an agency employee harming the service user in any way or putting the person at risk of harm or engaging in any other kind of possible misconduct, it might agree with the service user/representatives to staff behaviour being recorded covertly. The evidence obtained could then be used to trigger the agency's safeguarding procedures.
16. The agency accepts that each situation should be treated differently and the agreements reached will be on an individual basis.

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