|  |
| --- |
| 1. **Introduction**   We live in a surveillance prolific world, and the use of Closed-Circuit Television (CCTV) surveillance systems and other video recording devices can often feel both protective and intrusive, particularly having adverse implications for children and young people’s privacy and dignity, especially if filming is proposed to include areas inside the house.  Caldecott Fostering believe that every child and young person has a right to privacy in their own home. The use of surveillance must only be considered in exceptional circumstances with the agreement of the Registered Manager. Further information can be obtained from the gov.uk website at: <https://www.gov.uk/government/publications/domestic-cctv-using-cctv-systems-on-your-property/domestic-cctv-using-cctv-systems-on-your-property>.    The Fostering Services (England) Regulations 2011 state that ‘no child placed with a foster parent is subject to any measure of control, restraint or discipline which is excessive or unreasonable.’ Given that CCTV surveillance in foster homes will usually give rise to continuous supervision of a child or young person, CCTV surveillance should not be used to monitor the behaviour or actions of children or young people in the home. Adults who work with and look after a child or young person in their own home should offer care, patience and presence and none of these can be replaced or implemented via surveillance systems. Caldecott Fostering expects foster carers to promote positive behaviours in children and young people through the care they provide and through building positive relationships.  The common reason for installing a CCTV surveillance system is usually to protect property or prevent anti-social behaviour near the house. The Data Protection Act has significant implications for the installation and use of CCTV surveillance, and it is important that foster carers discuss the available guidance with their Supervising Social Worker before arranging to install and use any CCTV surveillance or video recording devices such as baby monitors. The regulations and guidance relating to CCTV surveillance are covered by the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA). The Information Commissioner’s Office (ICO) regulates this legislation.  The ICO has published [guidance on the use of domestic CCTV](https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/) and a [CCTV checklist](https://ico.org.uk/for-organisations/data-protection-self-assessment/cctv-checklist/), which helps individuals understand and meet their obligations under data protection law. It is important that foster carers read this guidance as well as the checklist, as this is a fuller explanation of your obligations to data protection law. Specific ICO guidance highlights that you don’t need to register with the ICO or pay a fee to operate. However, you must have a written record of the ‘purpose’ – *“you must maintain records of how and why you are capturing these images, and for how long you are keeping them. You may need to make these records available to the ICO on request.”* Further guidance can be found at [ICO guidance for people using domestic CCTV](https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/)  We would prefer that surveillance equipment is not used in or around the foster home but would agree to its use providing certain exceptional circumstances are met and with the agreement of the Registered Manager. Foster carers must explore all alternative means to secure their property prior to considering the use of CCTV surveillance and video recording devices must not be used to monitor the behaviour or actions of children or young people in the foster home.  For the purpose of this document, ‘surveillance’ is inclusive of but not limited to:   * Any household audio, photo or video recording system i.e. CCTV * Live streaming * Video doorbells * Baby monitors * Dashcams |
| 1. **Guidance on the use of CCTV surveillance or other video recording devices**   CCTV surveillance or video recording devices **must not** be used to monitor the behaviour or actions of children or young people in the foster home.  Caldecott Fostering recognises that some families may wish to install CCTV surveillance or other video recording devices to monitor the home while they are away from the home of for security reasons.  Foster carers must first consider their reasoning for installing any surveillance and ascertain whether there are alternative ways of protecting their property, for example, by installation of an alarm system, or security lighting. If foster carers have an unavoidable reason to use CCTV surveillance or video recording devices, they must ensure that the systems are installed and operated within regulatory guidelines.  **Positioning of cameras** is important, and there must be an open and frank discussion between those who own and run the system and those who are going to be affected by it.  **Storage of any surveillance data** recorded must be secure; this can be achieved by password protecting any device that has access to the images produced from the cameras.  **Access to data** must be limited, and foster carers must consider who requires such access. This must usually be limited to foster carers only, and any requests from external parties to view surveillance data must be directed to the Registered Manager immediately. Where the police request access to the data captured, the foster carers must inform their Supervising Social Worker immediately through a telephone call so that the Registered Manager can be made aware.  **Responsibility** – Foster carers who install a surveillance system are responsible for the appropriate use of the system, and all information recorded by the system. Recording dates and times must be accurate. Footage must not be stored indefinitely and must be deleted as soon as it is no longer necessary for the purposes of protecting the property.  **Factors to consider** – The usual reason for installing a surveillance system is to protect property or prevent anti-social behaviour, but, when considering if it is appropriate, the following must be considered.:   * Is the surveillance system necessary; is it a proportionate response to a perceived or actual threat? * Is there an alternative, e.g. fitting more security locks or a motion sensor to trigger lights or using audio only baby monitors? * Have the police been contacted to carry out a crime prevention check and give advice on alternative or additional security features? * Where will the surveillance be focused, is it to be used inside and/or outside the home? Is the reach of the camera beyond your property’s private boundaries? * Will the system be running all the time, and will it include an audio record? Even if the camera reach is within the property’s private boundary, audio recording can reach beyond the private boundary. * Will the planned use of surveillance affect other people, how will any recordings be kept, by whom and for how long? * Is the system compliant in its entirety with regulatory guidelines? |
| 1. **External Surveillance**   Where external surveillance is installed, this must be in line with all regulatory guidance. This means that the person responsible for the system may be considered a data controller.  Setup and arrangements regarding any surveillance must be agreed by the Registered Manager. This to ensure that all protocols are followed relating to the safe capture and storage of data, and so that all relevant parties can be made aware of what systems are operating at or within the foster home.  The surveillance system must not be used for any other purpose other than intended. It is also advisable to let neighbours know what you are doing and why.  Cameras must face external areas only, and not be positioned to face through windows of the home, for example.  Caldecott Fostering recommends that visible notices are placed outside and around the home to inform visitors that recording is taking place. A system that also records audio could be seen by some people as particularly intrusive and the person responsible for the operation of the system should consider whether it is really needed, and if not, should it be disabled?  If records of the video are kept, the owner should be designated as the data controller and must have a good understanding of relevant regulations in case anyone wants to carry out their rights in relation to data protection or make a subject access request (SAR).  If recording images outside of your property boundary, intentionally or otherwise, the use of the system comes under Data Protection laws. This means that the person responsible for the system is a ‘data controller’ and they must be able to show that they are complying with the regulatory guidance.  All recordings must be regularly deleted, and only kept for as long as necessary for protection of the property. Caldecott Fostering requires that recordings are deleted as a minimum after 7 days unless they contain evidence required for a criminal/civil or child protection investigation.  Any external surveillance must be fully detailed in the Household Safer Caring Plan.  The surveillance operator must regularly consider whether the original reasons for the recording remain valid. |
| 1. **Internal Surveillance**   Caldecott Fostering would prefer that surveillance equipment is not used in or around the foster home but may agree to its use in exceptional circumstances and only with the agreement of the Registered Manager.  Foster carers must therefore carefully consider the use of internal surveillance and must explore all alternative means to secure their properties prior to the installation and use of surveillance. The Registered Manager must explore with foster carers reasons why all other less intrusive safeguards would be ineffective before the sign off of the use of surveillance within the foster home.  In the exceptional circumstances where Caldecott Fostering agrees to surveillance being installed internally, written permission will be required from the placing Local Authority of any young person already living with the family. For any new children and young people referred to the family from this point, the placing Local Authority must be informed of the surveillance at the point of matching and prior to the placement commencing, written permission must be sought. This includes children and young people being placed with the family on sleepover (respite) arrangements.  The placing Local Authority must be informed of:   * Where the surveillance is positioned * Why it is in use * When it is in use * Who is responsible for the system * What happens to any data captured   Local Authorities must be made aware that the use of surveillance is incorporated into the Household Safer Caring Plan. It must be made clear to the placing Local Authority that the surveillance does not replace, complement or substitute any level of supervision in the foster home.  When surveillance is placed internally in the foster home this must be incorporated into the Health and Safety checks. If the system is already in place during the initial fostering assessment process, this policy and guidance must be discussed with the applicants.  All members of the foster home (including children and young people) must be made aware that the surveillance is in place and why. Everyone must also be aware of who has responsibility and what happens to the data captured by the surveillance.  Notices must be placed around the home, in prominent areas, to inform visitors that recording is taking place. These must include information on whether there is audio recording as well as visual recording.  Surveillance must only be positioned in, and facing, communal areas of the home, and **never in bedrooms, bathrooms or toilets.**  The information recorded by the surveillance must not be used for any purpose other than protecting the property.  Surveillance is not an alternative way of supervising children within the foster home, and data captured must never be used by foster carers as a way of monitoring or evidencing a child’s behaviour. Caldecott Fostering **do not** give permission to foster carers to show/share footage of a child or young person to any third party, without the express written permission of the Registered Manager. If the footage recorded is required to be used as evidence, then the Registered Manager must be informed immediately, as must the placing Local Authority of any child or young person in the household.  Baby monitors are considered to be a listening device unless they are used to check a young baby’s welfare when an adult is not in the same room, for example, if a baby is sleeping during the day. It is acceptable for a mobile phone to be used as a baby monitor when a baby is sleeping, but it must not be used to monitor other people’s activities. Baby monitors must not be used as a device for supervising older children.  The use of surveillance is incorporated into the Household Safer Caring Plan and into Health and Safety checks on the foster home.  Where the use of CCTV surveillance or other video recording devices has been agreed with the Registered Manager, all parties must sign the Fostering Household Surveillance Risk Assessment and Written Agreement and the wishes and feelings of any child placed with the family must be considered. |
| 1. **Implementation of the policy**   It is the duty of all staff and foster carers to ensure that this policy on the Use of Surveillance in the Foster Home is adhered to at all times. Breach of this policy could have an impact on the continued approval of foster carers.  All foster carers are expected to sign the declaration in section 9 of this policy to confirm it has been read and understood. However, if there is any form of surveillance in the fostering home, Appendix 1 must also be completed and signed off by the Registered Manager and children’s social worker(s) (if applicable) in consideration of the children’s wishes and feelings.  Any queries relating to surveillance in the foster home must be directed to the family Supervising Social Worker in the first instance, who can then liaise with the manager if required. The Supervising Social Worker is responsible for the completion of the risk assessment and written agreement in Appendix 1.  If there are any concerns about any aspects of the foster home, the Supervising Social Worker will discuss with foster carers to agree a timeline for resolution of any issues. If any issue remains a significant concern and is not resolved, this may result in presentation to the fostering panel for further consideration.  All foster carers must inform their Supervising Social Worker if they are planning to install any form of surveillance in or around the foster home, or if there is any change to the specific use this. The Supervising Social Worker must immediately inform the Registered Manager, who will work alongside the Supervising Social Worker to ensure compliance with the requirements of this policy.  Implementation of surveillance in the foster home will require careful consideration in the planning stages to ensure the safety and privacy of everyone in the household (including children and young people) throughout the process, and also to ensure that the final result fulfils the requirements of this policy. |
| 1. **Related Legislation, Guidance, Documents, Policies and Procedures**  **Fostering Regulations 2011**  Regulation 26(3)(A) – Assessment of prospective Foster Parents. Consider whether X is suitable to be a foster parent and whether X’s household is suitable for any child.  **Fostering Services National Minimum Standards (England) 2011:**  Standard 4 – Safeguarding children  Standard 10 – Providing a suitable physical environment for the foster child  Standard 26 – Records  **The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services**  5.78. All records of the service must be kept under conditions of confidential and secure storage so as to prevent their loss or destruction. Premises must be suitable to enable secure storage of records, both paper and electronic.  **National Minimum Standards for Fostering Services (2011):**  (26.4) Information about individual children is kept confidential and only shared with those who have a legitimate and current need to know the information, and to those parts of a child’s record or other information that they need to know.  **General Data Protection Regulations (GDPR) and Data Protection Act 2018 (DPA 18)**  This legislation is regulated by the Information Commissioner’s Office (ICO) and Foster Carers must ensure that any surveillance system is operated within regulatory guidelines.  **This policy links to the following Caldecott Foundation Fostering Services policies/procedures/documents:**   * Health and Safety in the Foster Home Policy * Health and Safety Checklist – Initial * Health and Safety Checklist – Annual * Physical Intervention Policy * Matching Template * Foster Carer Profile Template * Household Safe Care Plan |
| 1. **Monitoring and Review**   This policy will be subject to continuous monitoring, refinement and audit by Caldecott Foundation’s Health and Safety Officer and the Caldecott Fostering Registered Manager. |
| 1. **Terminology**   Our aim is to use consistent terminology throughout this policy and all supporting documentation as follows:   |  |  | | --- | --- | | **Foster Home** | This is a generic term which means the place of residence for a child in the care of Caldecott Fostering. | | **Child/Young Person** | Any child or young person under in the care of a foster family. | | **Registered Manager** | The senior person with overall responsibility for the registration. | | **Supervising Social Worker** | Qualified members of staff that have responsibility for supervising foster families. | | **Foster Carer** | A person approved by the agency and caring for a child in care under a fostering arrangement. | | **Regulatory Authority** | Regulatory Authority is the generic term used in this policy to describe the independent regulatory body responsible for inspecting and regulating services. | |
| 1. **Declaration - Fostering Household Surveillance Usage**   **Declaration** (to be signed by all foster carers having been through the policy and reporting procedures with their Assessment/Supervising Social Worker or other authorised person).  I have read and received the Caldecott Fostering Surveillance in the Foster Home policy and can confirm that **there is no** surveillance equipment in use in or around my home/household.  If there are any changes to this, I will notify the agency in line with this policy as soon as possible.  NB - If there is surveillance equipment in use either in or around the foster home/household then Appendix 1 MUST be completed with the Assessment/Supervising Social Worker.  Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Print name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Print name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Appendix 1. Fostering Household Surveillance Risk Assessment and Written Agreement**

TO BE COMPLETED IN EXCEPTIONAL CIRCUMSTANCES IF THERE IS SURVEILLANCE IN OR AROUND THE FOSTER HOME. THE BELOW AGREEMENT MUST BE COMPLETED AND SIGNED OFF BY THE REGISTERED MANAGER AND CHILDREN’S SOCIAL WORKER(S) (if applicable). THE WISHES AND FEELINGS OF ANY CHILD LIVING WITH THE FOSTER FAMILY MUST BE CONSIDERED.

|  |  |
| --- | --- |
| **Name of Prospective Foster Carer(s)/Foster Carer(s)** |  |
| **Date check undertaken** |  |

|  |
| --- |
| **Guidance** |
| Supervising Social Workers are responsible for the completion of this Risk Assessment and Written Agreement. Full and specific details **MUST BE** given providing a clear description of what safety measures are in place, what action is required by whom and within what timescales to ensure safe and full compliance in each of the areas identified below. The Supervising Social Worker is responsible for regular review and monitoring of foster carer(s) compliance with all aspects of their Health and Safety and Safer Caring Practice.  Foster carers are responsible for ensuring that any foster child living with them is aware of this risk/hazard prior to exposure/participation.  Caldecott Fostering would prefer that surveillance equipment is not used either in or around the foster home but may agree to its use in exceptional circumstances. Caldecott Fostering would prefer that any surveillance equipment is only installed in outside areas as a protective measure and not inside the foster home.  Surveillance equipment can pose risks in relation to children/young people’s privacy and confidentiality. Attention must be given by the Supervising Social Worker and foster carers to identify and robustly assess the potential risks, ensuring they can be effectively and safely managed, and the risk of harm minimised. Any requirements relating to this appendix **MUST BE** included in the Household Safer Caring Plan and the Individual Child Safety Plan for each child/young person.  Please note:   * If a video doorbell is fitted that records footage, the relevant sections of this form must be completed. * The Foster Carer Profile and Household Safer care Plan MUST note if the property is fitted with surveillance equipment and the relevant details. * Monitoring stations can dial in and view live footage if the surveillance equipment is linked to a home security system - for example ADT systems have live monitoring. * External viewing – if the capability of external viewing exists this MUST BE noted, including details of who can access this and how i.e. mobile phone/tablet/laptop etc. |

**General Issues** (please insert full details)

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Describe the surveillance in use, whether it is external or internal, including the location of any cameras and monitors. |  | |
| **2** | Describe its purpose and use and why this is considered necessary – have alternative ways of protection the property been considered. |  | |
| **3** | Is the data captured and stored securely?  Provide details of who has access to recordings/tapes/live footage. |  | |
| **4** | Indicate the potential risks. | **Invasion of privacy** |  |
| **Breach of confidentiality** |  |
| **5** | What current arrangements are in place to address these risks? |  | |
| **6** | Age range of children/young people fostered in the household. |  | |
| **7** | Describe the potential risks for a foster child. |  | |

**M = Mandatory (regulation/legislation/agency policy)**

**BP = Best Practice (preferred practice/standard)**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| M/BP | Issue/Item | | | Yes | No | | Include description and detail of action required – including date for compliance | | |
| M | All children and young people must be informed that surveillance is installed, shown the camera locations and any viewing monitors. (See form below) | | |  |  | |  | | |
| M | Surveillance cannot be installed in bedrooms, bathrooms, toilets or other areas where children and young people dress/undress or would expect privacy. | | |  |  | |  | | |
| M | Recordings cannot be shared with anyone other than the foster carers unless in a criminal/civil or child protection investigation.  In such cases the Registered Manager **MUST** be informed, and agreement of the child’s local authority or parents **must be sought in writing** prior to downloaded footage being passed on. | | |  |  | |  | | |
| M | Caldecott Fostering requires that recordings should be erased after 7 days unless they contain evidence required in a criminal/civil or child protection investigation.  During that period recordings must be stored securely and only accessed by the foster carer(s) named on this risk assessment. | | |  |  | |  | | |
| M | If footage is archived for use during an investigation for evidential purposes the recording **must** be deleted on conclusion of the matter. | | |  |  | |  | | |
| M | Any codes or keys relating to the surveillance equipment must be stored securely and only accessed by the foster carer(s) named on this risk assessment. | | |  |  | |  | | |
| M | The foster carer(s) must inform Caldecott Fostering of any changes to the surveillance in the foster home (areas covered, additional cameras etc). | | |  |  | |  | | |
| M | Signage noting surveillance is operational and recording footage **must** be prominently displayed i.e. on all access points to the home. | | |  |  | |  | | |
| M | The Foster Carer Profile and Household Safer Caring Plan must also note surveillance is operational. | | |  |  | |  | | |
| M | Individuals have a right to access images relating to them. When disclosing recordings to those that appear in them, the identity of any others that appear in those recordings must be protected. | | |  |  | |  | | |
| **Note:** Summarise discussion with Prospective Foster Carer(s)/Foster Carer(s), record actions required - anycompliance requirements must be followed up and noted as completed within supervision notes. | | | | | | | | | | | |
|  | | | | | | | | | | | |
| Designation of Staff member completing this form: | | | | | | | | | | | |
| Print name: | | |  | Signed: | | |  | | Date: |  | |
| Prospective Foster Carer/ Foster Carer 1 | | | | | | | | | | | |
| Print name: | | |  | Signed: | | |  | | Date: |  | |
| Prospective Foster Carer / Foster Carer 2 | | | | | | | | | | | |
| Print Name: | | |  | Signed: | | |  | | Date: |  | |
| REGISTERED MANAGER AUTHORISATION | | | | | | | | | | | |
| Registered Manager Comments: | | | | | | | | | | | |
| Print Name: | | |  | Signed: | | |  | | Date: |  | |

***For approved foster carer(s)– this document needs to be uploaded to Charms and digitally signed by the foster carer(s), supervising social worker and Registered Manager.***

****Confirmation that presence of surveillance in the home has been shared with each child/young person****

|  |  |
| --- | --- |
| **Name of Foster Carer(s)** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Child/Young Person** | |  | |
| I have been shown the surveillance cameras in the home and the monitors. The reasons for surveillance and what happens to the recordings has been explained to me. | | | |
| Comments | | | |
| **\***In the case of young children please seek local authority consent/parental consent | | | |
| Signed |  | Date |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Local authority social worker/person with parental responsibility  Signed |  | Date |  |

***Once this document has been signed by the child/local authority/parent – this needs to be uploaded to Charms and digitally signed by the foster carer(s), supervising social worker and Registered Manager.***