



## Body Worn Video (BWV) Policy

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## **1 Statement of Aims and Objectives**

- 1.1. South East Coast Ambulance Service NHS Foundation Trust (the Trust) is committed to the safety and security of our work colleagues. This policy sets out the arrangements for the deployment of Body Worn Video (BWV) as part of an ongoing trial.
- 1.2. The Trust is committed to deterring those who may be minded to violent and aggressive behaviour towards our colleagues and wherever possible, and where this has occurred, to seek the strongest forms of sanction and redress available. Therefore, the Trust has approved the use of BWV as part of an ongoing trial to support the criminal justice system and to bring perpetrators to justice.
- 1.3. This policy is intended to enable the Trust to comply with legislation. It also sets out the training required, use of the device, capture, retention of footage and how this will be shared. This will ensure maximum benefit from the use of BWV, ensuring 'best evidence' is secured and correctly retained in accordance with legislation.
- 1.4. This policy is applicable to all Trust colleagues involved in the ongoing BWV trial and sets out the scope of practice to which our work colleagues must adhere.

## **2 Principles**

- 2.1 This policy complies with both Trust and statutory requirements of the documents referenced in sections 8 and 9 of this policy respectively. Explicit areas of legal requirement and relevant responses are stated below regarding:
- 2.2 Equality Act (2010): BWV users must exhibit sensitivity when using BWV in places of worship and other religious areas. If BWV is used in hospitals or places where people may be in vulnerable situations or in various stages of undress, care must be exercised that footage is appropriately recorded.
- 2.3 Data Protection Legislation: Data Protection Act (2018) and UK GDPR: This policy has been assessed for compliance with the Data Protection Act (2018) and has found to be compliant. The policy assists with ensuring data protection compliance by covering the following data protection issues: necessary and proportionate capture of footage, the provision of fair processing information where possible, retention and disposal, sharing, and subject access.
- 2.4 Freedom of Information Act (2000): Grants a general right of access to recorded information held by public authorities. This policy has been assessed as disclosable upon request under Freedom of Information. The disclosure of BWV footage will not form part of disclosable material.
- 2.5 Procedural guidance detailing the issue, training, use, management of data and sharing of data is contained within the Trust's BWV Procedure.



2.6 The use of body-worn video is lawful for the purpose of the prevention and detection of violent and aggressive behaviour and for no other reason.

2.7 The normal use of body-worn video will be overt only and the Trust must ensure that the capabilities of BWV equipment are clear to the public. This includes its ability to capture audio as well as visual imagery.

2.8 BWV are designed to operate with notifications (i.e. lights, beeps, and vibrations) so that both users and the public are aware that a BWV is present and may be recording audio and images.

2.9 The operational use of body-worn video must be proportionate, legitimate, and necessary.

2.10 Continuous non-specific recording is not permitted.

2.11 Because continuous, non-specific recording is not permitted the BWV will have a user-controlled pre record buffer. Once active the buffer will be for a rolling 30-seconds "" to capture the context, i.e. the immediate lead-up to activation of BWV recording mode.

2.12 Use of BWV will be incident specific. Users will use common sense and sound judgement underpinned by training and guidance when using BWV.

2.13 In principal users are not required to obtain the expressed consent of the person or persons being filmed.

2.14 If the subject of an encounter requests that the BWV be switched off, the user should advise the subject that:

- I. Any non-evidential material is retained for a maximum of 30 days only.
- II. Access to the material is restricted and will only be accessed where there is a legitimate need; all actions within the digital evidence system are audited.

2.15 It is then for the user to consider on a case-by-case basis whether to switch the BWV off. There should always be a tendency to record (within the confines of legislation) unless circumstances dictate otherwise.

2.16 The sharing of BWV Material with Other Agencies must be in accordance with the Trust's Information Governance Policy.

2.17 All users of the BWV will be required to complete the appropriate training package prior to using BWV.

2.18 In the event of a data breach the Head of Information Governance / Head of IG will complete an assessment on a matrix to decide if a particular breach is notifiable to the Information Commissioners Office (ICO).

2.19 BWV users may be requested by police to remove the device when attending sensitive incidents, such as one involving specialist firearms or as part of police



### 3 Definitions

- 3.1 **BWV:** The BWV is a body mounted video camera with built-in microphone. The BWV stores digital files which, once recorded, cannot be deleted, or amended by the user. Each digital file carries a unique identifier and is time and date stamped throughout.
- 3.2 **Buffer:** Trust BWV will have a user-controlled pre record buffer. Once active the buffer will be for a rolling 30-seconds. When recording mode is started any available buffer footage will be added to the start of the recording.

### 4 Responsibilities

- 4.1 **Chief Executive Officer:** On behalf of the Board of Directors, the Chief Executive Officer has overall legal responsibility for the reduction of violence and abuse to Trust staff and ensuring suitable redress is pursued.
- 4.2 **Security Management Director (SMD):** The Executive Director of Nursing and Quality is responsible for promoting security at Board level, and for monitoring and ensuring compliance with the requirements and directions issued by the Department of Health and NHSE/I relating to security.
- 4.3 Responsible for reporting to the Board the appropriate use of body worn video and its efficacy in reducing incidents of violence and abuse along with its use in the pursuit of civil and legal claims against the perpetrators.
- 4.4 **Head of Health, Safety and Security:** The Head of Health, Safety and Security is responsible for providing strategic oversight for the BWV trials.
- 4.5 Liaising with NHSE/I on matters associated with the BWC trials and chairing the Trust internal task & finish group.
- 4.6 Providing update reports to the Health & Safety Committee.
- 4.7 **Security Team:** Responsible for the day-to-day administration of Video Manager data and sharing of information with authorities.
- 4.8 Managing return of faulty BWV equipment.
- 4.9 **Head of IT:** Responsible for the connectivity of sites where BWV will be docked to upload footage.
- 4.10 Maintaining an asset register of BWV devices.



4.1 **Head of Information Governance:** Responsible for Trust compliance with Data Protection legislation.

4.12 **Estates Manager:** To support Operations by co-ordinating and advising on suitable locations as well as installation of additional electrical points on each site to ensure the resilience required to charge the BWV within each building selected for the trial.

4.13 **Authorised Persons:** Those staff with authority to review and manage data to support prosecutions.

4.14 **Make Ready Centre Managers (MRCM):** Local management of BWV to include issue and returns.

4.15 **Head of Infection Prevention Control:** To provide the cleaning and decontamination guidance for the BWV and associated equipment in line with the manufacturer's guidelines. Support the local teams with regular swab testing and visual audits for cleanliness standards.

4.16 **BWV Users:** Responsible for adhering to this policy, BWV Procedure and associated BWV action cards.

4.17 **The Health and Safety Committee:** Responsible for the ongoing effectiveness of this policy.

## 5 Education and training

5.1 Training will be provided to both BWV users and authorised persons.

5.2 Training will be documented centrally, and resources made available on the Intranet for reference.

5.3 Training arrangements will be managed by the Head of IT and Head of Health, Safety and Security.

## 6 Monitoring compliance

6.1 The Health & Safety Committee has overall responsibility for monitoring compliance with this policy.

6.2 The Health, Safety and Security Department will audit each identified Trust site participating in the BWV trial at least once every 12-months during the trial for the purpose of reviewing accurate Datix reporting.

6.3 IPC will audit each identified Trust site participating in the BWV trial at least once every 12 months during the trial for the purpose of reviewing the standards set out in the BWV Action Card (1) for the cleaning and decontamination of BWV.

6.4 The Security Team will audit permissions and access to the BWV Video Manager at least once every 12 months during the trial for the purpose of authorised access and use.



- 6.5 Where compliance falls below policy standard an escalation report will be provided to the Health and Safety Committee along with an action plan for rectification.

## **7 Audit and Review (evaluating effectiveness)**

- 7.1 This policy will be audited by the Health and Safety Committee 6 months after issue.
- 7.2 Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 7.3 This policy will additionally be reviewed if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.

## **8 References**

- 8.1 Data Protection Act 2018
- 8.2 Human Rights Act 1998
- 8.3 Freedom of Information Act 2000
- 8.4 Equality Act 2010
- 8.5 Home Office - Technical Guidance for Body Worn Video Devices - Oct 2016
- 8.6 The Regulation of Investigatory Powers Act 2000

## **9 Financial Checkpoint**

- 10.1 This document has been confirmed by Finance to have no unbudgeted financial implications.

## **10 Equality Analysis**

- 11.1 The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.
- 11.2 Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or



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supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.

NHS Foundation Trust