



Body Worn Video (BWV) Policy & Procedure

December 2021

Document Control

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1.0 Introduction and Scope

- 1.1 North Devon Council has an obligation under the Health and Safety at Work etc. Act 1974, to ensure the Health, Safety and Welfare of its employees. It is particularly important that it helps to protect and support its mobile workers whilst they are carrying out their duties away from the office. Unfortunately, some employees, through the nature of their work, are sometimes open to aggressive and/or abusive encounters.
- 1.2 This policy sets out how North Devon Council (“the Council”) will approach the use of Body Worn Videos (BWV) by Enforcement Officers and other role identified employees of the Council, whilst undertaking their duties, to ensure they are in compliance with relevant legislation and codes of practice. This document will standardise the use of BWV and the evidential product produced.
- 1.3 There are already policies and procedures in place for lone and mobile workers, including risk assessments and personal alarm devices, (Reliance Pulse Devices.) BWV will enhance the level of security for identified mobile workers who are deemed at higher risk.
- 1.4 BWVs form part of the employees Personal Protective Equipment for Health and Safety purposes.

- 1.5 This policy has a dual purpose, in that it will assist the employees involved in the use of BWV to understand their obligations whilst reassuring the public that appropriate safeguards exist.
- 1.6 This policy will ensure that staff comply with the relevant legislation relating to surveillance cameras and personal information and outline the benefits to staff and the general public. Detailed procedures will explain how the Council will maintain the integrity of the data, images and video collected along with data security and its use. Staff are required to use the equipment in line with this policy and procedure document.
- 1.7 For the purpose of the scheme, the Council is the Data Controller.
- 1.8 Across the Council, there are a number of employees who will be authorised to utilise BWV. These include but are not restricted to the following:-
- Civil Enforcement Officers
 - Cash Collectors
 - Environmental Protection Officers
 - Environmental Wardens
 - Planning Enforcement Officers
 - Parks Operatives
 - Waste and Recycling Operatives
- 1.9 The intention is for the use of BWV to:
- Protect employees from incidents involving violence and/or aggression directed towards them and provide evidence of such actions.
 - Increase employee sense of safety and reduce fear of crime when dealing with difficult customers
 - Raise standards of service
 - To provide a deterrent effect and reduce incident escalation
 - Be used in the process of enforcement to ensure that it is accurate and transparent
 - Reduce complaints against employees.
- 1.10 Authorised staff will receive full training and instructions in the use of the equipment and the relevant legislation.
- 1.11 The Head of Service for each service area will monitor the use of the BWV to ensure that the equipment is an appropriate measure and that its use is in line with policy and procedure.
- 1.12 Any recordings made will be captured, stored securely and used in accordance with the General Data Protection Regulation (GDPR) and the Information Commissioner's Office (ICO) CCTV Code of Practice.
- 1.13 Only North Devon Council issued Body Worn Video devices can be utilised by staff. Under no circumstances must any privately owned BWV devices or other recording devices such as mobile phones or dash cams be used in respect of NDC service delivery.

2.0 Legislation and Statutory Guidance

- 2.1 The integrity of any video data recorded will be considered in accordance with the following legislation and Statutory Guidance:

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- General Data Protection Regulation (GDPR) 2018 and Data Protection Act (DPA) 2018
- Freedom of Information Act 2000
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Home Office Surveillance Camera Commissioner's Code of Practice (the SCC code)
- Information Commissioner's Code of Practice (the ICO Code)
- Criminal Procedures and Investigations Act 1996
- Health and Safety at Work etc. Act 1974

3.0 General Principles of Operation

3.1 The following principles of operation apply to all uses of BWV across the Council.

- 3.1.1 Prior to its installation and use, a BWV must have a clearly defined purpose which is in pursuit of a legitimate aim and it must be necessary to meet an identified pressing need. It should only be used for the specific purpose which it is established to address. A Data Protection Impact Assessment has therefore been undertaken in compliance with the SCC Code and the ICO Code. It takes into account the nature of the problems the proposed system is seeking to address, whether a surveillance system is justified and effective, whether better solutions exist, what effect its use may have on individuals and whether, in light of this, its use is a proportionate response. It is accepted that BWV are more intrusive than normal CCTV because of their mobility and the level of intrusiveness has been taken into account as part of the Data Protection Impact Assessment.
- 3.1.2 Carrying out a Data Protection Impact Assessment ensures that the system is justifiable. This also demonstrates that the necessity and extent of any interference with Article 8 of the Human Rights Act 1998 has been considered.
- 3.1.3 Where it is intended to use BWV in more sensitive areas e.g. private dwellings, there will need to be a pressing social or investigative need which will have to be far greater in order for the use of BWV to be necessary and proportionate.
- 3.1.4 BWV will have robust technical and physical security in place to protect the recorded information. Devices will be capable of being encrypted and have the ability to be turned on or off, with a rotating camera head so that sound can be recorded separately if necessary.
- 3.1.5 Clear signage will be displayed on an individual's uniform, to show that recording is taking place and whether the recording includes audio.
- 3.1.6 BWV will only be used by trained, authorised employees

4.0 Accountability

- 4.1 It is a recommendation of the Surveillance Camera Commissioner and the Information Commissioner that the use of the BWVs should be reviewed annually to determine whether BWV continues to be justified. As such, there will be an annual review by the Health and Safety Advisor of the Council's use of BWV covering the following aspects:
- ensuring the BWV remain necessary, proportionate and effective in meeting their stated purpose for deployment

- whether the purpose and objectives statements remain valid
- change in extent of the scheme,
- contracts with suppliers e.g. maintenance agreements
- a review of the data protection or legal requirements
- maintenance schedule and performance test of the system
- scheme evaluation findings
- complaints procedure and evaluation

4.2 As part of the annual review of the scheme, the need for an changes for this policy will be assessed. In addition, the policy will be kept up to date with changes in legislation and procedure as and when they occur. The officer responsible for updating this policy is the Health & Safety Advisor

5.0 Maintenance

5.1 The BWV will be personal issue and remain the responsibility of the user. It is the responsibility of each user to check daily that their BWV devices is working correctly and to report any faults, damage or loss to their line manager as soon as they become aware of them. Users must complete an incident form when a device is damaged or lost. Reported faults should be recorded to the Line Manager and referred to the Health and Safety Advisor, to refer on to the supplier.

5.2 Reactive maintenance will be provided by the supplier.

6.0 Data Storage

6.1 All footage is encrypted at the point of capture and will be down loaded to the Digital Evidence Management Solution, DEMS 360 software once the BWV device is docked on the docking station. Once downloaded the camera is cleared of all footage and ready to be used again.

6.2 Users must store their personal issue BWV units securely when not in use.

6.3 Authorised users will be able to access DEMS 360 from their computer.

7.0 Access to Data

7.1 Where BWV is used, the DEMS 360 software will be fully auditable and show the life of the recorded media at all stages whilst in the Council's possession.

7.2 DEMS 360 allows users to:

- review footage
- add incident ID and notes
- redact footage
- take snapshots and video clips
- manage multiple files
- share files internally or externally via encrypted email.
- burn files to a DVD or data disc.

7.3 Retention periods for stored footage will be 28 days, unless the footage is deemed to be of evidential value then it may be retained for 90 days to allow for further consideration as to whether the evidence is required for legal proceedings Footage will automatically be deleted after the given time period.

8.0 Privacy

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- 8.1 BWVs can record both sound and vision of incidents, therefore they have the potential to invade privacy of those involved in an incident.
- 8.2 There are situations where the use of BWV Devices is not appropriate; the following list is for guidance only and is not exhaustive.
- **Intimacy** – BWV must not under any circumstances be used for the recording of intimate circumstances where persons are in a state of undress.
 - **Legal privilege** – users must be careful to respect legal privilege (such as confidential communications between a lawyer and their client) and must not record material that is or is likely to be subject to such protections.
 - **Private dwellings** – users must consider the right to private and family life.

In cases where it is not appropriate to use a BWV, users must implement other measures designed to protect their health and safety, such as risk assessment and lone worker, Pulse devices.

- 8.3 For persons requesting information regarding their rights when being recorded on the BWV, they should be directed to or provided with a copy of the information on NDC's website: <http://www.northdevon.gov.uk/privacy>

9.0 Accessing Images

- 9.1 Requests to view files may be received from (but not limited to), the following third parties:
- The Police
 - Solicitors
 - Claimants in Civil Proceedings
 - Accused Persons or Defendants in criminal proceedings
- 9.2 Reasons for requests may include (but not limited to):
- Evidence in criminal proceedings
 - Evidence in civil proceedings or tribunals
 - The prevention of crime
 - The investigation and detection of crime, which may include the identification of offenders
 - The identification of witnesses
 - Complaints made against Council officers
 - Complaints made against members of the public
- 9.3 If a third party requests access to images they must provide any details that the Council require to substantiate the request. A log of all requests will be made.
- 9.4 To make a request for information, a request should be made in writing to: <http://www.northdevon.gov.uk/privacy> or email dataprotection@northdevon.gov.uk, telephone 01271 388231 to request a hard copy of the form.

10.0 Subject Access Requests

- 10.1 Any individual (employee or member of the public) may request access to and a copy of their own image under Data Protection Laws.
- 10.2 Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located. The appropriate 'Subject Access' request form can be found on the [North Devon Council website](#).

- 10.3 Each and every application will be assessed on its own merits and general 'blanket exemptions' will not be applied. This includes being satisfied that the requesting organisation has an appropriate and identified legitimate purpose and lawful basis pursuant to which they will process the information and such processing is necessary pursuant to that legitimate purpose, having in mind the principle of data minimisation in particular.

11.0 Collateral Intrusion

- 11.1 Collateral Intrusion occurs when you record information, images and audio, of people who are not involved in the incident you are recording.
- 11.2 BWV users are reminded that all BWV footage is subject to disclosure and may be relied upon or referred to at any stage during an investigation or prosecution of a case. In so far as is practicable, therefore, users should restrict recording to areas and persons relevant to the incident and should attempt to minimise collateral intrusion.
- 11.3 Every effort should be made to ensure that personal information of victims or witnesses is not inadvertently recorded on BWV. All footage captured is disclosable and might require editing and redaction at a later stage.

12.0 Security Policy

- 12.1 All staff engaged in the processing of CCTV and digital evidence must ensure that they comply with the Council's Data Protection Policy, and Information Security and Standards Policy which can be found on Insite. [ICT Forms \(northdevon.gov.uk\)](http://northdevon.gov.uk)

ANNEXE A

OPERATING PROCEDURES FOR EMPLOYEES

This appendix sets out procedures which are specifically relevant to BWV used by employees during the course of their work. The use of BWV by Council employees will comply with this policy and also the details set out in this appendix.

1.0 Scope

North Devon Council ("the Council") is responsible for the delivery of Parking Enforcement, Cash Collection, Planning Enforcement, Environmental Protection Enforcement, Public Spaces Protection Orders, (PSPO), Waste and Recycling and maintenance of Parks and Open Spaces within the North Devon area. The BWV devices will be used to protect the health and safety of our employees and in the case of certain Enforcement Officers may also be used to gather evidence to support service of Fixed Penalty Notices in cases where an offence is witnessed by the Officer.

2.0 Training

All BWV users will receive full training in the use of the BWV devices. The training will include operational guidance and use of the equipment. Training will be provided by the supplier of the BWVs. All users will receive conflict management training and refresher training will be offered periodically.

3.0 Daily Use

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The BWV device will be worn by the employee whenever they are out of the office carrying out their duties. Recording must be incident specific. Users must not indiscriminately record for the entire time they are working. Users must only use recording to capture video and audio at specific incidents. For the purposes of this policy an 'incident' is defined as:

- An engagement with a member of the public which, in the opinion of the user, is confrontational and where the user believes that they may be subject to physical or verbal abuse or
- The user is approached by a member of the public in a manner perceived as aggressive or threatening.

The exception to the above is for n the case of Environmental Protection Officers/Wardens, see 3.3 below.

The use of BWV remains at the discretion of the trained user and in all cases users must use their professional judgement.

- 3.1 At the commencement of any recording, the employee should identify themselves for the benefit of the recording, including their name, date and time and their location and make a verbal announcement to indicate why the recording has been activated. There are no set words given to say but it should be in clear, plain, easily understood speech, for example:
"Sir / Madam, in line with our protocols I must advise you that this conversation is now being video and audio recorded"
Once switched on to record, the previous 60 secs will automatically be saved to the recording, to hopefully capture the reason why a recording was deemed necessary.
- 3.2 The purpose of issuing a verbal warning is to allow a member of the public to modify what would otherwise be regarded as unacceptable confrontational or aggressive and threatening behaviour. If, at any time during an incident the user considers that the use of BWV is likely to inflame a confrontational situation the CEO may use discretion to disengage from further discussion and withdraw from the incident. The user should make a record of the reason recording was stopped.
- 3.3 Recordings will not be used to gather evidence in relation to offences except in the case of Environmental Protection Officers/Wardens who may record offences being committed, such as dog fouling and littering, where the evidence will assist in service of Fixed Penalty Notice, or other legal action against the perpetrator.
- 3.4 Users will be issued with a personal use BWV device and it will be their responsibility to look after the device, re charging it and docking and downloading recordings at the end of each shift and ensure the unit is in full working order.
- 3.5 The BWV devices are not being used to monitor the employees. However if during the review of the incident any evidence of poor Health and Safety practice are observed then under the statutory duty of care prescribed in Health and Safety at Work etc. Act 1974, line managers will discuss the appropriateness of the action and improvement to dealing with the incident which may identify the need for training and/or development opportunities
- 3.6 If a recording is started using a BWV device, the whole incident should, where practicable, be recorded. Employees must not intentionally fail to record part of an incident by, for example, turning away without good cause or deliberately obstructing the camera lens.

- 3.7 Officers need to ensure that they remain mindful of standard evidence gathering procedures at scenes, such as note taking, and must not rely solely on the BWV evidence to support their incident. For example there may be occasions where the sound recording is unclear or verbal responses are difficult to hear because of other more prominent sounds such as traffic or strong winds. In this case, the device user must make notes as necessary to support any BWV device evidence. There is also the possibility of technical failures or operator errors that may hinder the production of the recorded evidence.

4.0 Concluding and Recording

It is considered advisable that the user continues to record for a short period after the incident has concluded. This will clearly demonstrate to any subsequent viewer, particularly from an evidential and integrity perspective, that the incident has come to an end.

- 4.1 Prior to concluding a recording the user should make a verbal announcement to indicate the reason for ending the recording this should state, when practicable: Date, time and location and reason for concluding recording
- 4.2 If any incidents of violence and aggressions have occurred and been recorded it is essential that officers complete an Incident Report form, in the usual way, noting on the report form that BWV was used.
- 4.3 If the BWV has been used to record evidence for enforcement action, such as a dog fouling offence or a littering offence (with no violence or aggression incident), officers must complete a BWV recording form (see Appendix C) and forward it to the Health & Safety Advisor.

5.0 End of Working Day

The BWV devices will be placed in their docking stations for footage download and charging.

The BWV footage is encrypted, ensuring that viewing of the footage can only be carried out by an authorised officer using their individual password.

6.0 BWV Camera Deployment

As set out above in the main body of the policy, the Council is required to have regard to the 12 guiding principles from the Surveillance Camera Code of Practice. The principles are replicated below and each principle is accompanied by a description of how the use of BWV by NDC employees will operate in accordance with the corresponding principle.

6.1 Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

BWV devices are utilised as an improvement to the health and safety of selected employees. Our employees are often working alone and there are regular incidents of verbally aggressive and threatening behaviour being made towards them by aggrieved members of the public. Incidents recorded for the last three years:

2019/20 - 24

2020/21 - 7

2021/22 - 7 (to date Nov 2021)

BWV will also be used by the Environmental Protection team for capturing evidence of breaches of legislation that they may witness.

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

A Data Privacy Impact Assessment has been carried out.

A review of the use of BWV will be carried out annually by the Health & Safety Advisor.

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

The BWV devices will be worn in an overt manner. The user will issue a verbal instruction that recording is taking place. There is a red flashing light on the camera to indicate recording is taking place and there is a front facing screen showing what is being recorded.

NDC Communications team will publicise the implementation of BWVs prior to their introduction, on social media, NDC website and the Businesses E Bulletin. Any requests to view footage should be made to: <http://www.northdevon.gov.uk/privacy> or email dataprotection@northdevon.gov.uk,

Any complaints regarding the conduct of an officer should be made, within 28 days of the incident being notified to the member of the public to: feedback@northdevon.gov.uk

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

BWV will be Personal Issue. Access to the Data Evidence Management System is password protected and all footage is held and controlled within a secure, encrypted software package. All passwords are unique and user's access will be deleted if officers leave the authority or change posts.

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

This Policy and Procedures document will be issued to all BWV users, along with operational guidance from the supplier, Reveal Media Ltd. All users will receive training from Reveal Media Ltd.

6.6 No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.

Images will be kept for 28 days before automatic deletion by the software unless required. If required by a third party a copy of the images will be sent via encrypted, time restricted email to the person requesting the information, should their request be approved. If the images are required for an internal investigation, they will be stored for up to 90 days and/or a copy of the images will be burned to a DVD and stored in a secure place.

6.7 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 when it is necessary for such a purpose or for law enforcement purposes.

Whilst Access to images is limited to the user of the device and their line manager., in certain circumstances they may be share with appropriate bodies, such as Legal and Organisational Development Teams The disclosure of images and other information obtained from a BWV will be controlled and consistent with the stated purpose for which the BWV was established.

6.8 Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards

The Reveal Media BWV comply with the following standards:

Quality Standards

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- ISO27001-certification, Information Security Management

Technical Standards

- AES256 bit encryption for security of data

The Council will proactively monitor industry advancements and adopt these accordingly.

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

Access to the system is limited to the users and the BWVs will be personal issue. All users will have unique passwords that will be deleted if officers leave the authority or change posts. All authorised officer will attend Data Protection training.

6.10. 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 use of BWVs will be reviewed by the Council's Organisational Development and Head of Governance annually to ensure that their use remains necessary, proportionate and effective in meeting its stated purpose for deployment. In undertaking the review, comparison with alternative interventions with less risk of invading individual privacy will be made.

6.11. 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.

The images and information produced by the BWV will be of a quality and standard that could be used in a prosecution in Court of Law. The Council has policies on data storage, security and deletion.

6.12. 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.

BWV is specialist technology. The Council aims to ensure that the information contained on our database is accurate and up to date. It will be noted on Incident Reports and/or Recording Report forms completed by BWV users that a recording has been taken of the incident.

ROLES AND RESPONSIBILITIES

Responsible Officer

Scheme Owners:

North Devon Council

Head of Organisational Development

Senior Solicitor and Monitoring Officer.

Senior Responsible Officers:

Head of Housing, Planning & Health

Environmental Wardens

Environmental Protection Officers

Planning Enforcement Officers

Head of Environmental

Enhancement

Waste & Recycling

Parks Team

Head of Place and Regeneration

Civil Enforcement Officers

Cash Collectors

BWV Users

Environmental Wardens

Environmental Protection Officers

Planning Enforcement Officers

Waste & Recycling

Parks Team

Civil Enforcement Officers

Cash Collectors

Responsibilities

- Ensure the provision and maintenance of all equipment forming part of the scheme in accordance with contractual arrangements which the owners have entered in to
 - Ensure the interests of the owners and other organisations are upheld in accordance with the terms of this policy
 - Agree to any proposed alterations and additions to the scheme and this policy and procedures document.
-
- Receiving, reviewing and authorising or rejecting Subject Data Access forms.
 - Delivering a corporate approach to the Council's responsibilities arising from the Protection of Freedoms Act 2012
-
- Ensuring only trained officers utilise the BWVs and software
 - Supervising the day to day use of BWV
 - Viewing of saved files
 - Liaising with Police where they request to view recordings
 - Providing reports and reviews of all BWV usage
 - Ensuring compliance with the policy and procedures
 - Maintaining an audit of BWV,
 - Acting as the main contact point for anything related to BWV in their service area.
-
- Familiarise themselves with this document and any instruction documents provided by the supplier and ensure compliance at all times
 - Complete all relevant training prior to utilising the BWV and software.
 - Connect the BWV to the docking station whenever a recording has been made, in order to download the images to the software.
 - Wear the BWV when working operationally unless otherwise directed by their line manager
 - Take responsibility for what they have chosen to record or omit, as they may have to justify their decision making during any subsequent court or other investigative proceedings.

BWV RECORDING REPORT FORM

BWV Recording Report Form - for reporting all events recorded on BWV, **other than those where violence and aggression was involved**, in the course of work. (for example where an offence was witnessed, e.g. dog fouling, littering, or where a FPN was served)

Events recorded due to violence and/or aggression must be reported on NDC;s Incident Reporting form and a note made on that form to state that the incident was recorded.



The BWV user and their line manager should complete this form as soon possible after the recorded event and send it to their Head of Service and to the H&S Adviser in Organisational Development. The nature and number of events recorded on BWV will be monitored by the Health & Safety Advisor and reported to the Health, Safety and Welfare Committee. The information will be held and processed by NDC.

Who has completed this form?		
Name:		Service:
When and where did the event take place?		
Date:	Time:	Location:

What was the purpose of the recording?
Signature
Date

Which Manager has reviewed this form?		
<i>line manager to review details on this form and be aware of the purpose of the recording.</i>		
Name (block capitals please)	Position (block capitals please)	Date of Review