

**THE LEEK FEDERATION**

**POLICY**  
**FOR THE AUTHORISATION**  
**OF DIRECTED COVERT**  
**SURVEILLANCE**

**This Policy was assessed for impact on equality, including race equality, on *07/10/2010* by the Governing Body of The Leek Federation.**

<b>AGREED BY EXECUTIVE PRINCIPAL:</b>	<b>October 2010</b>
<b>AGREED BY GOVERNING BODY:</b>	<b>May 2015</b>
<b>REVIEW AGREED EXECUTIVE PRINCIPAL:</b>	
<b>REVIEW DATE:</b>	<b>May 2017</b>

# Policy for the Authorised use of Directed Covert Surveillance

## 1. Introduction

- 1.1 This policy is designed to ensure compliance with the Regulation of Investigatory Powers Act 2000 (RIPA 2000), the associated Codes of Practice and the implications for covert surveillance under the Human Rights Act.
- 1.2 The Leek Federation operates overt CCTV with the purpose of reducing crime and the fear of crime for students, staff and visitors. The Federation also recognises that from time to time there will be a need to authorise the use of covert surveillance. Authorisation for this type of investigation will only be sought in cases where other forms of inquiry have been exhausted or where covert surveillance is the only practical way of pursuing an investigation.
- 1.3 Authorisation for these operations will only be granted in circumstances that meet the requirements set out in Section 26[2] of the Regulations of Investigatory Powers Act 2000.

## 2. Requests for Authorisation

- 2.1 The Executive Principal, as the designated Authorised Officer, must approve all requests to carry out directed covert surveillance. ***In the cases of fraud, approval of the Federation Business Director is also required once the Executive Principal has given approval.***
- 2.2 In all cases, requests are to be made to the Federation Business Director who will review the request to ensure it is appropriate and does not inflict excessive collateral intrusion of individual human rights. This is prior to a formal application being made to the Executive Principal.
- 2.3 Formal requests can only be made on the official Part II **Application for Authority for Directed Surveillance** form (Appendix A). In urgent cases, the Federation Business Director may make an oral application to the Authorising Officer but the Authorising Officer must receive the formal written application within the following 24 hours.
- 2.4 All authorisations must be reviewed on a monthly basis and the **Record of Monthly Review** form completed (Appendix B) and all documentation pertaining to an application must be held securely in the individual School's Secure Storage.
- 2.5 Liaison with other authorised agencies, e.g., Police, Customs & Excise is expected and should be facilitated via the Federation Business Director. Joint applications and applications from other authorised bodies must be confirmed by the Federation's Authorised Officer (Executive Principal) prior to the surveillance taking place. All documentation should be held securely by the Federation Business Director.

### 3. Authorisation

- 3.1 Authorisation for the use of covert surveillance can only be issued in one of two designated manners. In cases of suspected fraud the **Federation Business Director** will authorise the surveillance once they have been assured that the Executive Principal has agreed to the request being made. In all other circumstances, e.g., theft, public health, only the **Executive Principal** has the authority under RIPA 2000 to authorise the use of CCTV for covert surveillance.
- 3.2 Any use of directed covert surveillance that does not have the correct authorisation will be deemed illegal under RIPA 2000. Any evidence obtained would be inadmissible in court and the Federation may face a civil action by the defendant for a breach of their human rights
- 3.3 In all cases the initial authorisation for the use of directed covert surveillance will not exceed a period of three months.
- 3.4 All authorised covert surveillance will be reported to the Chair of the Governing Body.

### 4. Renewals

- 4.1 **Renewals of Applications (Appendix C)** to extend the operation must be given in writing by the Authorising Officer and begin on the day that the original authorisation would have expired. The renewal will normally be for a period not exceeding three months. Before renewing the application, the Authorising Officer must consider if the application for renewal still meets the criteria set for the original Authorisation.

### 5. Cancellations

- 5.1 The Authorisation Officer who last granted an application or renewal **must cancel** it if he/she is satisfied that the directed surveillance no longer meets the agreed criteria for that particular application. This is done using the **Cancellation of Directed Surveillance** form (Appendix D).

### 6. Conclusion of Operation

- 6.1 At the end of each operation, the **Concluding Report** form (Appendix E) must be completed and forwarded to the Authorising Officer.

### 7. Breaches of the Policy

- 7.1 Any breach of this Policy is a serious matter. Any staff found in breach of the policy will be dealt with in accordance with the Federation's Disciplinary Policy.
- 7.2 In cases where there has been a serious breach, e.g. surveillance without authorisation or continued surveillance without the appropriate renewal notice being granted, The Leek Federation could face a civil

action bought by the person under investigation, as such surveillance would be against the law and thus an infringement on the individual's human rights. The individual concerned would then have the right of redress against the Federation through a civil action.

- 7.3 Where such breaches occur, the Federation in conjunction with the relevant authorities will carry out a full investigation and make recommendations as to how the breach can be remedied.

## **8. Complaints**

- 8.1 The Leek Federation will utilise its existing complaints procedures in the first instance and will advise any member of its staff or the public of the existence of the Independent Tribunal. This has been set up by the 2000 Act to hear and make judgement on any case within its jurisdiction pertaining to directed covert surveillance operations.

## **9. Audit**

- 9.1 The Governing Body shall be advised on an annual basis of the number of occasions the Policy has been invoked.