

RETAIL CRIME OPERATION (BIRMINGHAM)

CODES OF PRACTICE

This document has been prepared for the Retail Crime Operation (Birmingham) by Mr Chris James (R.C.O. Scheme Manager) and Mr Richard Mytton BSc Hons (Customer Services Manager at the Pavilions) and we would wish to acknowledge the assistance given by the Community Crime Reduction Partnerships and organisations listed below in compiling the necessary information.

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CODES OF PRACTICE

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1.0 Introduction

- 1.1 This Code of Practice is to control the management, operation and use of the Retail Crime Operation (Birmingham)
- 1.2 This document has been prepared in consultation with the Data Protection Commissioner, the Police and other contributors to the legal process. It operates strictly within the provisions of the Data Protection Act, 1998.
- 1.3 The document will be subject to periodic review following consultation with all interested Parties, to ensure it continues to reflect its stated purpose and remains in the public and participants interests.

2.0 The Aim

- 2.1 To gather, collate, exchange, process and manage all information relating to crime, its commission and perpetrators for members of the Retail Crime Operation (Birmingham)
- 2.2 To reduce and prevent criminality and anti-social behaviour, in order to create a safe and secure environment within The City of Birmingham and surrounding areas.

3.0 Description of Scheme

- 3.1 The Retail Crime Operation (Birmingham) is a proactive scheme organised between retailers and partners including the police and local authority. It is directed at criminal activity within The City of Birmingham and surrounding areas.
- 3.2 The members, who have each signed a confidentiality agreement, are involved in the collation and analysis of data and thereafter the dissemination of intelligence and information within the membership of the scheme and to bona fide members of other similar schemes that comply with the Data Protection Act 1998.

4.0 Objectives

- a) The prevention and detection of crime.
- b) The apprehension and prosecution of offenders or suspected offenders.
- c) To cause a decrease in retail crime losses for participants in the scheme.
- d) To reduce the opportunity for individuals to commit crime.
- e) To enhance the “safe and secure” concept for customers who visit and staff who work in The City of Birmingham and surrounding areas.
- f) To work in partnership with the police, local authority, and other agencies and organisations responsible for delivering the Community Safety Action Plan.

5.0 Statement of Purpose

- 5.1 The Retail Crime Operation (Birmingham) Scheme will be operated fairly and within all relevant law only for the stated aims and objective for which it was created.
- 5.2 Each participant and contributor to the Retail Crime Operation (Birmingham) scheme is and remains bound by this code of practice and any subsequent amendments to it.
- 5.3 The Retail Crime Operation (Birmingham) and any person considered for employment must demonstrate an adequate knowledge of all the relevant legislation including the Data Protection Act 1998 and the Police and Criminal Evidence Act 1984 and any other legislation.

6.0 Criteria for Retail Crime Operation (Birmingham) Membership

- 6.1 A member is defined as a business or organisation, which has signed an agreement to abide by the code of practice and operating guidelines of the Retail Crime Operation (Birmingham) scheme, is registered under the relevant provision of the Data Protection Act and has paid the relevant membership subscription to the scheme.
- 6.2 A Partner is defined as a business or organisation, which has signed an agreement to abide by the code of practice and operating guidelines of the Retail Crime Operation (Birmingham) scheme and is registered under the relevant provision of the Data Protection Act.

7.0 Members Forum

- 7.1 The Members Forum will meet at least four times annually.
- 7.2 The group will comprise delegates from the participating businesses, the Retail Crime Operation (Birmingham), the police, and others as required.
- 7.3 The role of the Members Forum will be to:
 - Resolve issues brought before it by the **Steering Group**
 - Form a Sub-Committee to hear any appeals against Exclusion Orders.
- 7.3 The day-to-day running of the Retail Crime Operation (Birmingham) will be carried out by the scheme management who will report back to the Members Forum as necessary.

8.0 Steering Group

- 8.1 On behalf of all the members and partners involved in this scheme a Steering Group will be appointed from the Members Forum. It will include a Chairperson, Secretary, and at least six other members elected from the Members Forum.

- 8.2 To convene a meeting of the Steering Group a quorum of five is required.
- 8.3 The Steering Group is appointed to guide, and advise on the day-to-day operation of the scheme. It reports to and is accountable to the Members Forum. The Steering Group will advise on the operational and disciplinary regulation of the scheme.
- 8.4 In the event that the **Steering Group** is unable to resolve an issue brought before it then that issue may be referred back to the **Members Forum** for resolution.
- 8.5 The **Steering Group** will constantly review the operation of the scheme and recommend improvements as and when necessary. It will also recommend policy regarding the management and dissemination of information / intelligence for the Retail Crime Operation (Birmingham)

9.0 Location and Management

- 9.1 The scheme has specific responsibilities, which should be fully understood by all members and partners
- 9.2 All rules on confidentiality and data protection must be the subject of written agreement and must be strictly adhered to.
- 9.3 Breaches of confidentiality and contravention of the Data Protection Act 1998 may lead to criminal prosecution and/or civil actions for damages.
- 9.4 Infringements of procedure will be subject to investigation by the scheme manager who will report his / her findings to the Steering Group.
- 9.5 The Steering Group may decide the following sanctions: remedial training, written warning, expulsion from the scheme.
- 9.6 There is a right of appeal to a sub-committee appointed by the Members Forum against any sanction decided by the Steering Group.
- 9.7 Scheme operatives will receive training and be subject to continued assessment in order that a high standard can be maintained.
- 9.8 All persons employed or considered for employment within the Retail Crime Operation (Birmingham) scheme are required to disclose prior convictions.
- 9.9 The scheme is managed by the Retail Crime Operation (Birmingham), which has prime responsibility for statutory compliance and setting the overall aims and objectives of the scheme. Matters relating to management and security also fall within the remit of this company.
- 9.10 The scheme's office will be located at premises agreed and approved by the Retail Crime Operation (Birmingham) Ltd in consultation with the **Steering Group**

10 Scheme Discipline

- 10.1 The scheme has specific responsibilities, which should be fully understood by all members and partners.
- 10.2 The **Scheme Management** is responsible for the approval of all members and partners.
- 10.3 All rules on confidentiality and data protection must be the subject of written agreement and must be strictly adhered to.
- 10.4 Breaches of confidentiality and contravention of the Data Protection Act 1998 may lead to criminal prosecution and/or civil actions for damages.
- 10.5 Infringements of procedure will be subject to investigation by the scheme manager.
- 10.6 The **Steering Group** may recommend the following sanctions: - further training, verbal or written warnings, dismissal from the scheme.
- 10.7 Scheme operatives will receive training and be subject to continued assessment in order that a high standard can be maintained.
- 10.8 In accordance with the Rehabilitation of Offenders Act 1974, all applicants for employment with the Retail Crime Operation (Birmingham) are required to give details of any criminal convictions, which are not spent.
- 10.9 An employee of the scheme is expected to disclose to the **Scheme Management** if they are facing criminal charges and indeed if they have been convicted of a criminal offence (which has not been spent) whilst in the RCO employment.
- 10.10 An RCO employee will not be automatically dismissed solely because he/she is facing a criminal charge or because he/she is being remanded in custody or has been convicted of a criminal offence. The consideration will be whether the offence is one that makes the individual unable to do the job, or unsuitable for his/her type of work, or unacceptable to other employees/members.
- 10.11 In the event of it being discovered that an RCO employee has failed to disclose to the **Scheme Management** that they have a criminal record, this in itself will be treated as gross misconduct, which will result in disciplinary action, which may include summary dismissal.
- 10.12 In any disciplinary matter, the **Scheme Management** will appoint a person (who may or may not be the scheme manager) to carry out an investigation and report findings to the **Steering Group** who will consider whether any action is to be taken.
- 10.13 Where disciplinary action is deemed appropriate the **Scheme Management** will convene a disciplinary hearing of the **Steering Group**.
- 10.14 Information processed by the Retail Crime Operation (Birmingham) relevant to crime reduction/prevention, pending or possible prosecution will be passed to the police in

accordance with local procedures or any conditions laid down by the Crown Prosecution Service.

- 10.15 The Retail Crime Operation (Birmingham) manager or his nominated representative will be required to give witness statements to the police as and when required. They may subsequently be required to attend court to give evidence.
- 10.16 Information held by the Retail Crime Operation (Birmingham) is subject to the Data Protection Act 1998. The **Scheme Management** is responsible for the physical security of this information and authorises access to such information within the terms of the Retail Crime Operation (Birmingham) registration under the Data Protection Act 1998.

11 Training

- 11.1 The **Scheme Management** will ensure that any documentation / information provided under the scheme will meet an agreed standard that conforms to the scheme's registration under the Data Protection Act 1998. To achieve this, a nominated contact with each scheme member will liaise with the **Scheme Management** who will train and advise as appropriate.

12 Staffing

- 12.1 Numbers of staff employed by the Retail Crime Operation (Birmingham) will be determined by the **Scheme Management** to meet the business requirements of the scheme.
- 12.2 Matters relating to an RCO employee's conditions of employment including: - performance; welfare; Health and Safety at work, will be the responsibility of the Scheme Management.

13 Third Party Employees

- 13.1 Members may be represented by delegated third party organisations such as guarding or out-sourced security services.
- 13.2 Third party staff employed by scheme members will abide by the same codes of practice / operating guidelines / data protection agreement that forms the structure of the scheme.
- 13.3 Disclosure of Retail Crime Operation (Birmingham) data to such employees has been considered and agreed in consultation with the Data Protection Commissioner.
- 13.4 The **Scheme Management** will retain a power of veto on individual third party organisations.

14.0 Information Control

- 14.1 The information and intelligence held within the Retail Crime Operation (Birmingham) office is confidential. No disclosure of information will take place that is not in accordance with the relevant statutory provisions
- 14.2 The Retail Crime Operation (Birmingham) scheme is registered as a user under the Data Protection Act 1998 and relevant data may be held on the Retail Crime Operation (Birmingham) data base

15 Security/Audit

- 15.1 All information received from participants will be assessed and if it meets the criteria set by the schemes registration under the Data Protection Act 1998 in terms of its intelligence value and will, if found to be of value, be held on the Retail Crime Operation (Birmingham) database.
- 15.2 The **Scheme Management** will nominate a competent authority to audit the Scheme to ensure compliance with the principles and requirements of the Data Protection Act 1998 and any code of practice. The results will be made available on request to members and partners of the scheme.
- 15.3 The Retail Crime Operation (Birmingham) will not conduct their own audit.
- 15.4 The scheme will maintain appropriate levels of security, in accordance with good practice and the requirements of Data Protection Act 1998.
- 15.5 Members and partners will maintain like standards of security in respect of scheme information in their custody and control.
- 15.6 Each member and partner agrees to appoint a locally designated representative to assume responsibility, for the protection and security of data information disclosed and exchanged under the terms of the scheme. They will also be responsible for ensuring that all scheme rules are applied and to facilitate any audits.

16 Disclosure of Information

- 16.1 Only those staff or agents of bona fide members and partners will receive scheme information.

17 Indemnity Insurance

- 17.1 The **Scheme Management** will consider providing appropriate insurance cover for officers, employee's members and partners of the Scheme.
- 17.2 Where the scheme does not provide insurance cover for members and partners, the members and partners should ensure that adequate insurance exists within their own organisation.

18 Media Relations

- 18.1 All media enquiries should be referred to the **Scheme Management** who will decide upon an appropriate response. Individual Members should not seek to represent the Scheme without consultation.

19 Data Protection Principles

- 19.1 Participants of the Scheme must be aware of the eight Data Protection Principles. These principles are as follows: -

- ❖ It will keep the **Data** it receives confidential at all times
- ❖ It will preserve confidence of **Data** at all times
- ❖ It will obtain and process **Data** and information fairly and lawfully
- ❖ **Data** shall be collated solely for the purposes of the prevention and detection of crime, or the apprehension or prosecution of offenders
- ❖ **Data** held will consist solely of descriptions, habits, movement details, and criminal intelligence relating to “**Excluded Persons**”, “**Repeat Offenders**” and person(s) who are strongly suspected of committing crime, nuisance and/or disorder **in or near** the area of operation
- ❖ **Data** held will relate solely to “**Excluded Persons**” and “**Repeat Offenders**”, current and past and person(s) who are strongly suspected of committing crime, nuisance and/or disorder **in or near** the area of operation
- ❖ **Data** shall be **disclosed** to **data controllers** solely for the information of their staff, to Police Forces, Prosecuting Authorities, Courts, Judges, and Magistrates
- ❖ **Data** shall be adequate, relevant, and not excessive for the purpose it is intended

20 Data Protection Requirements

- 20.1 All persons who have access to personal Data recorded on the Retail Crime Operation (Birmingham) system must be made aware of the following: -
- a) The information held within the Retail Crime Operation (Birmingham) files or other documentation is confidential and must be used only in accordance with the scheme’s registration under the Data Protection Act 1998.
 - b) Any such information must not be disclosed to any third party who has not signed the necessary Retail Crime Operation (Birmingham) agreements.
 - c) Responsibility and liability rests with the individual once he/she has been made aware of these statutory requirements.

- d) Breaches of confidentiality by members, partners or their representatives will be subject to investigation and may result in sanctions imposed by the management.
- e) All members and partners of the Retail Crime Operation (Birmingham) will sign the organisation's data and information disclosure declaration to indicate that they have been advised of their statutory obligations and responsibilities.
- f) All Retail Crime Operation (Birmingham) information will be stored under secure conditions.
- g) Scheme information subject to the Data Protection Act 1998 will not be photocopied or otherwise reproduced unless expressly authorised by the Retail Crime Operation (Birmingham) **Scheme Management**.
- h) Paper or computer based information held by the Retail Crime Operation (Birmingham) must only be destroyed by the **Scheme Management**.
- i) Where an individual makes a request to a scheme member regarding data held on that individual that person should be referred to the **Scheme Management**.

20.2 The scheme procedures need to be monitored periodically to ensure efficient operation.

20.3 The **Scheme Management** will periodically authorise an audit of individual members and partners to ensure security and confidentiality of scheme information.

20.4 Any shortcomings identified will be reported to the **Scheme Management**.

20.3 Any changes to nominated contacts with individual members or partners will be communicated to the Retail Crime Operation (Birmingham) office.

21 Subject Access

21.2 Where subject access to the Retail Crime Operation (Birmingham) scheme database is requested, the appropriate fee will be charged.

21.3 Currently the provisions of Section 28 of the Data Protection Act 1984 provide a conditional exemption from disclosure in cases where the prevention or detection of crime or the apprehension or prosecution of offenders would be prejudiced.

21.4 The Data Protection Act 1998 and supplementary legislation contains a number of changes and the scheme should be aware of these to ensure full compliance.

22.0 Links to Other Schemes

- 22.1 If the Retail Crime Operation (Birmingham) shares data with other similar schemes, these Schemes must comply with the requirements of current data protection legislation.

23 Acceptance Document

- 23.1 It is a condition of membership that each member (on behalf of his/her organisation) must sign the scheme's acceptance document.

Retail Crime Operation (Birmingham)

SCHEME ACCEPTANCE DOCUMENT

I have read and understood all the documentation relating to the Retail Crime Operation (Birmingham) scheme.

I agree to operate within the Retail Crime Operation (Birmingham) constitution, codes of practice, operating guidelines and data integrity agreement.

I acknowledge my personal responsibility and liability with regard to membership/partnership of this scheme.

Signed

(PRINT NAME)

On behalf of (organisation)

Address
.....

Date

Witnessed by: -

Signed

(PRINT NAME)

Contact Address

Date