

**Use of Cameras/Mobile Phones &**

**Images Policy**

**Arrangements for Review:**

Jim Duncan is responsible for the implementation of this policy and conducting regular reviews. This policy was reviewed in October 2023.

Next review date: October 2024

**Official use of Images/Videos of Children**

**Scope and aims of the policy**

* This policy seeks to ensure that images and videos taken within and by us are taken and held legally and the required thought is given to safeguarding all members of the community.
* This policy applies to all staff, volunteers, trustees and other individuals who work for or provide services on our behalf (collectively referred to as ‘staff‘ in this policy) as well as children and parents/carers.
* This policy must be read in conjunction with other policies including, but not limited to; child protection, anti-bullying, behaviour management, acceptable use, confidentiality policies.
* This policy applies to all images, including still and video content taken by us.
* All images taken by us will be used in a manner respectful of the Data Protection Principles. This means that images will be processed:
  + fairly, lawfully and in a transparent manner
  + for specified, explicit and legitimate purposes
  + in a way that is adequate, relevant limited to what is necessary
  + to ensure it is accurate and up to date
  + for no longer than is necessary
  + in a manner that ensures appropriate security
* Managers are responsible for ensuring the acceptable, safe use and storage of all camera technology and images. This includes the management, implementation, monitoring and review of this policy.

**Parental consent**

* Written permission from parents or carers will always be obtained before images and/or videos of children are taken, used or published.
* Written parental consent will always be sought to take and use photographs offsite for professional, marketing and training purposes. This may be in addition to parental permission sought for onsite images.
* Written consent from parents will be kept by us where children’s images are used for publicity purposes, such as brochures or publications, until the image is no longer in use.
* Parental permission will be sought on an agreed basis.
* A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly.

**Safety of images and videos**

* All images taken and processed by us will take place using our equipment and devices.
* Staff will receive information regarding the safe and appropriate use of images as part of their data protection and safeguarding training.
  + Staff will*:*
    - only publish images of children where they and their parent/carer have given explicit written consent to do so.
    - only take images where the child is happy for them to do so.
    - ensure that a senior member of staff is aware that the equipment is being used and for what purpose.
    - avoid making images in a one-to-one situation.
  + Staff will not
    - take images of children for their personal use.
    - display or distribute images of children unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child).
    - take images of children using personal equipment
    - take images of children in a state of undress or semi-undress or which could be considered as indecent or sexual
    - take images of a child’s injury, bruising or similar or make audio recordings of a child’s disclosure.
* All members of staff, including volunteers, will ensure that all images are available for scrutiny and will be able to justify any images in their possession.
* Images will not be kept for longer than is to be considered necessary. DSLs will ensure that all photographs are permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use.
* All images will remain on site, unless prior explicit consent has been given and the parent or carer of any child or young person captured in any photograph. Should permission be given to take any images off site then all relevant details will to be recorded, for example who, what, when and why and data will be kept securely for example with appropriate protection.
* Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably protected and will be logged in and out by the relevant DSL; this will be monitored to ensure that it is returned within the expected time scale.
* DSLs reserve the right to view any images taken and can withdraw or modify a member of staffs’ authorisation to take or make images at any time.
* Only official work owned equipment and cameras will be used by staff to capture images of children for official purposes. Use of personal equipment and cameras by staff is prohibited.
* Any apps, websites or third-party companies used to share, host or access children’s images will be risk assessed prior to use.
* We will ensure that images are always held in accordance with the General Data Protection Regulations (GDPR) and Data Protection Act, and suitable child protection requirements, if necessary, are in place.
* Images will be disposed of should they no longer be required. They will be returned to the parent or carer, deleted and wiped or shredded as appropriate. Copies will not to be taken of any images without relevant authority and consent from the DPO and/or DSL and the parent/carer.

**Safe Practice when taking images and videos**

* Careful consideration is given before involving very young or vulnerable children when taking photos or recordings, who may be unable to question why or how activities are taking place.
* We will discuss the use of images with children and young people in an age appropriate way.
* A child or young person’s right not to be photographed is to be respected. Images will not be taken of any child or young person against their wishes.
* Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc
* Images or videos that include children will be selected carefully for use, for example only using images of children who are suitably dressed.

**Publication and sharing of images and videos**

* Children’s’ full names will not be used on the website or other publication, for example newsletters, social media channels, in association with photographs or videos.
* We will not include any personal addresses, emails, telephone numbers, fax numbers on video, on the website, in a prospectus or in other printed publications.
* Parental permission forms will be used to obtain consent for a child to be photographed and videoed for the purposes required. Please see Appendix 1 and our GDPR Privacy Notice.
* Any professional photographers or the press, who are invited to an event, will follow our guidance and procedure, permission to take photos and use them needs to be acquired before any images can be taken. Any photographers will not be left unsupervised around the children.
* The Children and Families Group takes no ownership and/or responsibility of any photo’s we might get tagged in on social media or uploaded to Tapestry by Parents, Carers and Young People.

**Usage of apps/systems to share images with parents**

* We use Tapestry to upload and share images of children with parents.
* We have taken steps to ensure all data stored is held in accordance with GDPR and the Data Protection Act.
* Images uploaded to Tapestry will only be taken on work devices.
* All users of Tapestry are advised on safety measures to protect all members of the community e.g. using strong passwords, logging out of systems after use etc.
* Parents/carers will be informed of the expectations regarding safe and appropriate use (e.g. not sharing passwords or copying and sharing images) prior to being given access. Failure to comply with this may result in access being removed.

**Use of Closed-Circuit Television (CCTV)**

* All areas which are covered by CCTV will be clearly signposted and notifications are displayed so that individuals are advised before entering such vicinity.
* Recordings will be retained for a limited time only and for no longer than their intended purpose; this will be a for a maximum of 2 months in accordance with our CCTV Policy. All recordings are to be erased before disposal.
* Regular auditing of any stored images will be undertaken by those with responsibility for overseeing each of our systems, in accordance with our CCTV Policy.
* If cameras record activities taking place on the premises which are of a criminal nature or give any cause for concern, then information will be referred to the appropriate agency.
* CCTV cameras will be appropriately placed within our premises.

**Use of webcams**

* Parental consent will be obtained before webcams will be used our settings environment for educational purposes.
* All areas which are covered by webcams for security or safeguarding purposes will be clearly signposted, and notifications are displayed so that individuals are advised before entering such vicinity.
* Recordings will be retained for a limited time only and for no longer than their intended purpose; this will be a for a maximum of 2 months. All recordings are to be erased before disposal.

**Use of photos and videos of children by others**

**Use of photos and videos by parents/carers**

* When we confirm, parents/carers may be permitted to take photographs or video footage of events for private use only.
* Parents/carers who are using photographic equipment must be mindful of others, including health and safety concerns, when making and taking images.
* The opportunity for parents/carers to take photographs and make videos can be reserved by us on safeguarding and health and safety grounds.
* Parents/carers are only permitted to take or make recording within designated areas. Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.
* The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.
* Parents may contact the DSL to discuss any concerns regarding the use of images.
* Photos and videos taken by us and shared with parents should not be shared elsewhere, for example posted onto social networking sites. To do so may breach intellectual property rights, data protection legislation and importantly may place members of the community at risk of harm.

**Use of images/videos by children**

* We will discuss and agree age-appropriate acceptable use rules with children regarding the appropriate use of cameras, such as when engaging in remote learning and when onsite. This will include places children cannot take cameras, for example unsupervised areas, toilets etc.
* We do not permit the use of mobile phones in our nursery settings. Staff are required to turn off their mobile phones on entry to the nursery and store them in the secure designated place. Parents/Carers and visitors are informed of the rules upon entry into our nurseries and are asked to keep their phones stored away at all times, so they are not around the children.
* The use of personal devices e.g. mobile phones, tablets, children’s own digital cameras, is covered within our online safety policy. All staff will be made aware of the acceptable use rules regarding children’s use of cameras and will ensure that children are appropriately supervised when taking images for official or curriculum use.
* Members of staff will role model positive behaviour to the children by encouraging them to ask permission before they take any photos or videos.
* Images taken by children for official use will only be taken with parental consent and will be processed in accordance with GDPR and the Data Protection Act.
* Parents/carers will be made aware that children will be taking photos/videos of other children and will be informed how these images will be managed. For example, they will be for internal use by the setting only and will not be shared online or via any website or social media tool.
* Images taken by children for official use will be carefully controlled by us and will be checked carefully before sharing online or via digital screens.

**Use of images of children by the media**

* Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper’s, or other relevant media, requirements can be met.
* A written agreement will be sought between parents and carers and the press which will request that a pre-agreed and accepted amount of personal information (such as first names only) will be published along with images and videos.
* The identity of any press representative will be verified and access will only be permitted where the event is planned, and where press are to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.
* Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the setting is to be considered to have acted in good faith.

**Use of external photographers**

* External photographers who are engaged to record any events will be prepared to work according to the terms of our online safety policy.
* Photographers will sign an agreement which ensures compliance with GDPR and the Data Protection Act.
* Images taken by external photographers will only be used for a specific purpose, subject to parental consent.
* Photographers will not have unsupervised access to children and young people

**Policy breaches**

* Members of the community should report image use concerns regarding image use or policy breaches in line with our existing policies and procedures. This includes: informing a DSL and/or following our Child Protection and Whistleblowing policies where necessary.
* Following a policy breach, leadership staff will debrief, identify lessons learnt and implement policy changes as required. Action will be taken in line with existing policies and procedures which may include child protection, anti-bullying, acceptable use and behaviour policies.
* Advice will be sought, and reports will be made to other organisations in accordance with national and local guidance and requirements. For example, where there may have been a data protection breach, the ICO will be contacted and if an allegation has been made against a member of staff, contact will be made with the Local Authority Designated Officer (LADO).

**Appendix 1: Tapestry Consent Form**

**Tapestry – An Online Learning Journal**

**Permission Slip**

**Child’s Name**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* I do/ do not give permission for my child’s photo to appear in any group photos used in Learning Journeys.
* I agree not to electronically share, by social media or other platforms, any part of my child’s Learning Journey.

Parent/Carer 1

First Name and Surname:……………………………………………………………………………………

Relationship to child: …………………………………………………………………………………………

**PLEASE MAKE WRITING CLEAR**

Email address: ………………………………………………………………………………………………….

Parent/Carer 2

First Name and Surname:……………………………………………………………………………………

Relationship to child: …………………………………………………………………………………………

**PLEASE MAKE WRITING CLEAR**

Email address (please make writing clear): ………………………………………………………….

**Parent/Carer signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix 2: Special Events Photo Usage Procedure**

Parents/Carers will receive a copy of this letter as part of their induction and will be reminded at the start of special events.

Dear Parent/Carer,

Within our settings we believe in celebrating family events and treasuring memories your child makes whilst here with us. Therefore we would take to this opportunity to explain our rules when it comes to taking and sharing images of our special events.

When capturing special moments we try to apply a common sense rule. This is based around trust and mutual respect with our parents/carers. Therefore we ask that you only take images of your own child. These should be for your use only. Our settings do not accept any responsibility for the photos you take and share on multiple platforms such as social media, websites, etc.

We also ask you respect other parents/carers and child’s wishes as if they wish to have their photos taken. Therefore we ask you can not take or share any images of children that are not your own. For different reasons not all children have permission for their photos to be taken or shared on social media. Therefore please respect their privacy.

As part of this process you should have also completed our Privacy Notice that captures your consent for images to be taken. This is part of your induction paper work. If you have not completed this or agreed for images to be taken, please speak to a member of staff.

Failure to comply with this document may restrict us in allowing images to be captured in future events and we may seek criminal prosecution against you.

If you have any concerns, please do not hesitate to contact a member of the nursery or children’s centre team.

Kind regards

The Setting Manager

Children’s Images: Frequently Asked Questions for Parents/Carers

Why do we need a policy?

Schools, playgroups, nurseries, children’s centres and youth groups have always used photographs as a way of celebrating achievement or seeking publicity for fundraising etc. Families and children often enjoy seeing their loved ones in print or on a website. We want to ensure that everyone can continue to enjoy these activities safely. However, parents/carers need to be aware that placing any identifying information in the public domain has risks and will need to understand these issues to give properly considered consent. It is important that parents/carers and educational settings can fully consider the issues before any problems can arise.

So, what are the risks?

The most highly publicised and worrying risk is that a child who appears in the paper or on a web site may become of interest to a predatory sex offender. Locating people through the internet has become extremely easy, using widely available software, so if there is a picture and the name of a school/setting together with the name of the child then it could be quite easy to find out the child’s address and even work out their likely route to school/setting. There are also other specific groups of children and families whose safety could be put at risk if identified e.g. families fleeing domestic abuse. To limit these potential risks, we will take appropriate steps, as outlined in the attached consent form, to safeguard children and the wider community.

Isn’t this just scaremongering?

Sadly not. We have had cases in Kent of families receiving unwelcome phone calls following appearances in the press. However, this is rare, so it is important to have a sense of proportion in these matters. Remember we want to celebrate success and achievement but parents must be aware of risks to make an informed decision.

What about school/setting websites?

The same concerns apply to school/setting controlled online sites; there is an added concern that images of children can be copied, manipulated or changed by another person. We can try to copy protect images and will use lower quality images, but this can be bypassed so cannot not be relied upon to keep images safe.

I want to do my own recording of the school/setting play/event is this okay?

Taking pictures or recordings of your own children for your own personal use is okay. The difficulty arises when other children are also be filmed. It is important that we are all aware that some members of the community may be vulnerable and must not have their image shared online as they could be put at risk from harm. You may not always know who these people and we need everyone’s support to protect the whole community. It’s also important for us all to role model positive behaviour for children, so it might be a sensible idea to check first before posting any images online which contain other children than your own. Parents/carers should not copy images from the our websites without appropriate permission from the us.

**Guide to the Use of Images Online**

**Using Images Safely and Responsibly**

We all enjoy and treasure images of our family and friends; family events, holidays and events are moments we all like to capture in photos or on video. We now have the exciting dimension of adding our images and videos to our online social networks, such as Facebook, YouTube and many other websites. This means that we can easily share our photos and video with family and friends.

Whilst this can be very useful to all of us, we must ensure we protect and safeguard all children and staff, including those who do not want to have their images stored online.

**What should we all think about before posting any images or video online and are there any risks?**

* Once posted and shared online any image or video can be copied and will stay online forever.
* Some people do not want their images online for personal or religious reasons.
* Some children and staff may have a complex family background which means that sharing their image online can have unforeseen consequences.
* Some children are at risk and **MUST NOT** have their image put online; not all members of the community will know who they are.

Therefore in order to keep all members of the community safe we must all **‘Think Before We Post’** Online

**When stated we are happy for parents and carers to take photos and video of events for personal use but request that these images are not distributed or put online. This is to protect all members of the community.**

We thank you for your support

**Further Information on the Use of Images and video:**

* Information Commissioner’s Office: <https://ico.org.uk/>
* Think U Know: [www.thinkuknow.co.uk/parents](http://www.thinkuknow.co.uk/parents)
* Get Safe Online: [www.getsafeonline.org](http://www.getsafeonline.org)