

Chudleigh Pre-school

Registered Charity No: 1028874

PLA No: 22478

Camera and Image Policy

1 Introduction

The use of cameras should be considered an essential and integral part of everyday life. As such, children and pre-school staff are to be encouraged to use such technology in a positive and responsible way.

It has to be recognised however, that digital technology has increased the potential for cameras and images to be misused and inevitably there will be concerns about the risks to which children may be exposed.



ICT Policy - Intro
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Practical steps must be taken to ensure that the use of cameras and images will be managed sensitively and respectfully. A proactive and protective ethos is to be reflected which will aim to promote effective safeguarding practice.

It must however be acknowledged that technology itself will not present the greatest risks, but the behaviours of individuals using such equipment will.

2 Aim

The Camera and Image Policy will aim to ensure safer and appropriate use of cameras and images through agreed acceptable use procedures. This is to be in line with legislative requirements and will aim to respect the rights of all individuals.

3 Scope

The Camera and Image Policy will apply to all individuals who are to have access to, or be users of, work-related photographic equipment. This will include children, parents and carers, pre-school staff, volunteers, students, committee members, visitors, contractors and community users. This list is not to be considered exhaustive.

The Camera and Image Policy will apply to the use of any photographic equipment.

This will include mobile phones and tablets.

4 Responsibilities

The Designated Safeguarding Lead (DSL) is to be responsible for ensuring the acceptable, safe use and storage of all camera technology and images. This will include the management, implementation, monitoring and review of the Camera and Image Policy.

Further details on the responsibilities of the DSL, registered person, pre-school staff, parents and carers, children and young people are to be found in the Acceptable Use Policy.

5 Legislative framework

This policy complies with the requirements of the General data Protection Regulations (GDPR) 2018, the Freedom of Information Act 2000, Human Rights Act 1998 and other relevant Acts regarding the taking and use of photographic images of children.

All images will be used in a manner respectful of the eight Data Protection Principles.

This means that images will be:

- fairly and lawfully processed
- processed for limited, specifically stated purposes only
- used in a way that is adequate, relevant and not excessive
- accurate and up to date
- kept on file for no longer than is necessary
- processed in line with an individual's legal rights
- kept securely
- adequately protected if transferred to other countries.

The pre-school is registered with the Information Commissioner's Office.

6 Code of conduct

All Pre-School staff must ensure that the policy and procedures included herein are to be adhered to at all times. The Camera and Image Policy must be considered in conjunction with the Acceptable Use Policy, the ICT Misuse Policy and the Mobile Technology Policy.

Chudleigh Pre-school: Camera and Image Policy

The use of cameras and other photographic equipment is only to be authorised by the Designated Safeguarding Lead. Pre-School staff should only use such equipment for purposes as designated by the DSL. It must be recognised that individuals may be given different levels of responsibility in terms of authorised use.

All members of staff are able to use the cameras on our tablets for the purpose of Learning Journeys. We might use these photos – with the appropriate consents – for publicity, for supporting childrens' learning or for our displays. A nominated member of staff and/or committee member can take photos of childrens' work, or of our resources, for Facebook.

The use of personal photographic equipment is to be only in agreed circumstances and explicit authorisation must be obtained from the DSL.

The DSL must reserve the right to view any images taken and/or to withdraw or modify an individual's authorisation to take or make images at any time. Pre-school staff must ensure that all images are available for scrutiny and be able to justify any images in their possession.

The DSL will be responsible for ensuring the safe storage of all images, in accordance with the Camera and Image Policy.

The use of personal USB sticks, the transferring of images via free unfiltered web mail or via mobile media is to be avoided. Should remote access be given to servers or systems where images are to be stored, access will only be given as authorised by the Senior Designated Person for Safeguarding. Any personal data stored on servers outside of the UK must comply with standards designated by UK Data Protection Law

Pre-School staff are to have a duty to report any concerns relating to potential misuse. Clear whistle-blowing procedures are to be in place. An anonymous reporting system will also be promoted and used to facilitate this process.

7 Consent

Statement of intent

Chudleigh Pre-school: Camera and Image Policy

General signed consent to take photographs or record images of children should be requested from the parent or carer on enrolment of their child. The purpose for taken any images should be clearly explained and agreed. Any consent given is to be reviewed on a regular basis (of a period of no more than one year) until such time the child no longer attends the setting. There are a number of reasons why we may take photos of children and parents/carers reserve the right to give or withhold consent for each and any of these, as well as the right to withdraw this consent at any time. The child's view is also to be considered at all times.

It should be recognised that some children and young people will be more vulnerable than others, for example children with special needs or those for whom there are child protection concerns. For a range of reasons, such children's security may be compromised more than others, and therefore extra precautions must be considered in such circumstances.

Procedures

As part of the Pre-School's registration process, parents/carers are asked for their consent for us to take photos of their child. They are given the opportunity to give or withhold their consent for photos to be taken at all; for these photos to be used in the press or our newsletter, or on our website; for these photos to be kept once their child leaves our setting and also for their child's image to appear in another child's Learning Journey. They are also required to agree that they will treat photographs containing images of other children as for their own personal use and not share them or publish them without prior written consent from that child's parent.

Individuals who do not have parental responsibility, such as childminders, friends or other relatives will not be able to give such consent. Only consent provided by a parent or carer with parental responsibility is to be accepted.

The parent or carer will reserve the right to refuse or withdraw their consent at any time. Partial or restricted consent may also be given where deemed necessary by the parent or carer.

Specific consent for the use of images for purposes other than those previously stated and agreed will be requested, for example, should images be required for publicity

materials or to support the training needs of early years practitioners and their managers. Such consent will detail how the photographs are to be used and for what period of time such permissions will cover.

Images must not be used for anything other than the stated purposes; unless additional revised consent is to be obtained. A copy of the relevant image will be stored with the specific consent form.

Images of children who are to no longer attend the early years setting will not be used, unless specific consent has been obtained to cover this extended period. Generally consent to use images will lapse should a child leave the early years setting.

8 Images

Statement of intent

It must be recognised that children and young people could be exposed to potential risk should images be misused, including:

- the making, taking and distribution of inappropriate and indecent images.
- grooming (the process by which child sex offenders and paedophiles will befriend victims through direct or indirect contact, often preceded by efforts to gain personal information about the child or young person).

It should be remembered that such incidents fortunately remain very rare; but it should also be understood that detailing such concerns will often raise further anxieties and will make many individuals feel uncomfortable. It must be acknowledged however, that the first step towards minimising any danger will be to have a fuller understanding of what constitutes a risk and what behaviours may compound it.

Protective and precautionary measures should therefore be considered when taking, making or using images of children. It is to be ensured that all pre-school staff are aware of the potential for images to be subject to misuse; and therefore will be expected to agree to the Acceptable Use Policy.

Procedures

The purpose and context for any proposed image should always be considered.

Chudleigh Pre-school: Camera and Image Policy

Sensitivity must be shown to any child who is to appear uncomfortable; and the potential for misinterpretation is to be recognised. Images will therefore not be taken of any child against their wishes.

The taking or making of images of a child in a one to one situation with an adult is to be avoided whenever possible; unless there is an agreed, specified reason for doing so. It must be recognised that the context of such situations are likely to be perceived as sensitive and the use of cameras will be seen as intrusive and open to misinterpretation. It is to be recognised that this may leave both the adult and child in a vulnerable position and is therefore not to be considered accepted practice.

The primary purpose of photos is to act as evidence of a child's learning, or to support learning or information-sharing as part of displays. As such, unnecessary close up pictures of an individual child with no surrounding context or purpose are to be avoided. Photos may be of individuals, small or large groups, but regard must be made to the consents that we hold so that those children who are not to go in other children's Learning Journeys are kept out of photos that will go to other parents. (A list of these children and the sessions they attend is in the register at each site).

All images to be taken should represent the diversity of the children who attend the early years setting. No child is to be favoured in photographs.

Where group photographs of children are to be planned – for example for the press – we will ensure that permission has been obtained from all parents and carers. If any parent or carer has indicated that their child is not to have a photograph taken in these circumstances then a group photograph will be taken sensitively.

Photographs are not to be taken of any child should they suffer an injury; whether it is to be considered accidental or non-accidental. This will be deemed a misuse of power which will potentially cause the child or young person to become distressed or to feel humiliated. Where necessary, medical help will be sought, and in the case of a suspected non-accidental injury the Safeguarding Policy will be implemented with immediate effect.

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Images which could be considered to cause distress, upset or embarrassment must not be used.

Images of children must only be taken when they are in full and suitable dress. In no circumstances, are images to be taken of children in any state of undress. Should children be participating in sport activities, careful consideration must be given to the appropriateness of taking such images, in particular the angle of which shots may be taken.

The taking or making of images in sensitive areas of the pre-school, for example, toilet cubicles and changing areas are not to be permitted.

It should be ensured that a child's name or any other identifying information does not appear in any caption or accompanying text alongside their photograph, for example on displays.

It is to be ensured that if, on occasion, a child is to be named (for an agreed reason) in any published text, for example, in the prospectus, a photograph of the child will not appear.

It must be understood that the need to obtain consent for the use of images, is to be applied to adults as well as children.

9 Use of images of children by the media

Statement of intent

There may be occasions where the press are invited to a planned event to take photographs of the children and young people who are to take part.

Generally, parents and carers will take pride in 'press cuttings'. For the majority, this pride will often outweigh any fears about the image and/or information being subject to misuse. However, some parents may object to information about, and images of, their own children being published. As a result, it is to be ensured that parental/carer consent will be sought before the press is to be given any access to children. Should a parent or carer choose not to give permission for their child to be photographed in such circumstances, this right must be observed at all times.

Procedures

The manner in which the press will use images is to be controlled through relevant industry codes of practice as well as the law. In this way a check is to be put on the potential improper use of images of children by the press. Additional checks will however also be carried out by the DSL. This will ensure that broadcasters and press photographers are to be made aware of the sensitivity which must be considered in respect of detailed captioning, one to one interviews, and close up sports photography.

Where a press photographer is to be invited to celebrate an event, every effort will be made in advance to ensure that the newspaper's (or other relevant media) requirements are able to be met. Where, for example, a newspaper is to be invited to take photographs of children, an agreement will be sought between parents/carers and the press which will request that first names only will be published. Responsibility and liability however cannot be held for the actions of a third party organisation, should they choose not to abide by any such agreement once in place.

Consideration will therefore be given to the requirements of the press before any planned event. Parental/carer permission/opinion will be the key factor in making a decision as to whether the press will be invited or not. This may mean that only those children, whose parents or carers will be happy for photographs and names to be published, can be given the opportunity to be involved in such events.

Should it not be considered possible or appropriate to limit the children who are to be photographed, for example, because a specific group of individuals are to have achieved something special (and parental permission regarding the publication of first names is to be withheld by one or more of the group) efforts will be made to negotiate a revised agreement with the press which must be deemed acceptable to all parties. Should it not be possible for such an agreement to be reached, the option of newspaper publicity will have to be forgone.

The identity of any press representative will be verified. Access will only be permitted where the event is to be 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. In the event that the press should turn up uninvited, for reasons beyond the control of the setting, every reasonable effort will be made to ensure that children and parents and carers are protected from any press intrusion.

Every effort will be made to ensure the press abide by any specific guidelines should they be requested by the setting. 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.

10 Use of a professional photographer

Statement of intent

It will be ensured that any professional photographer who is to be engaged to record any events will be prepared to work according to the terms of this policy document and the following guidelines:

- In the context of data protection legislation, the photographer will be considered a 'data processor' and any agreement with them will be in accordance with the General Data Protection Regulations (GDPR) 2018.

- Photographers will only be used where they will guarantee to act appropriately to prevent unauthorised or unlawful processing of images; and will insure against accidental loss or destruction of, or damage to, personal data.

Procedures

Photographers will be asked to sign an agreement which will aim to ensure:

- compliance with the GDPR.
- images are only to be used for a specified purpose and will not be used in any other context.
- images will not be disclosed to any third party unless it is to be a specific requirement to do so in order to fulfil the requirements of the agreement. Such use will also be subject to parental/ carer permission.

Only reputable photography agencies and/or professional photographers will be used. Evidence of such authenticity will be required.

Details of any checks regarding suitability, which are to include evidence of Disclosure and Barring Service checks, will be requested. Photographic identity will be checked

on arrival. Should there be any concerns in respect of the authenticity of any photographer, entry will be refused. Such concerns will be reported as is to be deemed appropriate.

Photographers are to be treated as any other visitor. As such, appropriate levels of supervision will be in place at all times. This will ensure that no unsupervised access to children will be given.

11 Children photographing each other

Statement of intent

As part of childrens' learning around Technology, they may use the childrens' tablet to take photos of people or objects around the setting. This will be encouraged in a safe and enabling environment.

Procedures

Pre-School staff will be required to discuss and agree some age appropriate acceptable use rules with children regarding the appropriate use of cameras.

Nevertheless, there may be occasions where children will take inappropriate images, including photographs which may show friends and other children in a state of undress. Any such photos will be deleted. This practice will be discouraged, and parents will also be advised to monitor their child's use of cameras within the home and social environment.

12 The right of parents and carers to take photographs and videos

Statement of intent

Parents and carers will not be covered by GDPR if they are to take photographs or make a video recording of their child for their own private use. The Act will therefore not prevent parents and carers from taking photographs or making video recordings of their own children when involved in events organised by the Pre-School, for example, during Nativity plays.

The right to refuse parents and carers the opportunity to take photographs and make videos is however to be reserved on safeguarding and on health and safety grounds. This right will be implemented should it be deemed appropriate.

Procedures

Parents and carers will only be permitted to make recordings or take photographs of any event for their own personal use. The use of such images and recordings for any other purpose, without express permission, will be a breach of GDPR.

There are times during the year when parents are invited to events in, or related to, Pre-School (our sponsored walk, our Easter Fun Afternoon, our Nativity). At these events, we have clear signs and make announcements asking parents not to take group photos and to only take photos of their own child unless they have gained explicit consent from the parent of any other child in the picture. During our Christmas Nativity we make arrangements for parents to take these photos at the end of the show.

Where parents take photographs of their own child at a group event, they should be made aware of expectations of how that image may be used. Images and video should be used for their own or family's personal use only and parents/carers should be encouraged to:

- Think about privacy and who has the right to see their images, not only of their own child but of others.
- Think about the implications of sharing the images online. If the images are shared online then they must make sure they are limited to immediate family only and not made public.

Every effort must be made to ensure that individuals with no connection to the Pre-School are to be given no opportunity to film covertly. Early years practitioners and their managers are to have the authority to question anybody they do not recognise (subject to their own safety being ensured) should they be observed using any photographic equipment at events and productions or within the general vicinity. Care will be taken at all times to prevent any opportunist photography or filming taking place.

13 Closed-circuit television (CCTV)

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Chudleigh Pre-school does not own or operate any CCTV at either site. However the respective landlords do and so should there be any queries regarding CCTV, they will be passed on to them.

14 Web-cams

Chudleigh Pre-school does not currently use any web-cams at either site. Should this situation ever change, then this policy will be updated accordingly immediately. The pre-school laptop has a web-cam built in, but it is not used and is blocked to prevent use.

15 Phones

The Mobile Technology Policy is to be referred to.

16 Use of internet

The Internet Policy is to be referred to.

17 Website

Statement of intent

It is to be understood that the posting of images on websites may raise particular issues and concerns.

It must be recognised that there will be a risk that such images could be subject to manipulation and circulation without consent or even knowledge. The risk that children could be exploited in some way after having their image displayed must also be acknowledged.

Procedures

Displaying images of children and young people on the pre-school's external website is to be avoided, wherever possible. Should consideration be given to using images for display, explicit consent from the parent or carer will be required. Any images used will be copy-protected, include a watermark, and/ or will be published in low definition to reduce the potential for misuse. Under no circumstances will a child's photo be published on any insecure social networking sites, such as Facebook

18 The Pre-School Facebook Page

Statement of Intent

The Pre-School acknowledges that whilst Facebook is a fantastic way of communicating with lots of people, there must be procedures in place to guide the Pre-School and to reassure parents regarding the images that are shown on it.

Procedures

Only photos of children's work or of displays etc are photographed. No photos of children are taken for the Facebook page or displayed on the page.

Photos of staff can only be displayed with prior consent from individual staff members.

Only select staff and/or committee members are authorised to take photos for, and to post information on, the site. Photos can be taken using the setting tablets through Tapestry and stored under 'trial child', or on a personal mobile phone once all the children have left the setting.

When these photographs are taken within the Pre-School room or outdoor areas, they are always taken in the presence of another staff or committee member.

19 Learning journeys

Statement of intent

Under the Early Years Foundation Stage, pre-school staff are to be encouraged 'to track children's progress, [and have] ... a system for channelling the wealth of information gathered about individual children into a manageable summary. Detailed individual observations of self-initiated activity in a particular context, photos and special moments contained in a child's portfolio all document the child's unique learning journey'. (Progress Matters, National Strategies).

Procedures

The information contained within each learning journey is to relate to an individual, identifiable child; therefore it is to be treated as personal data. This means that such information is to be stored securely. The aim will be to avoid unauthorised access to potentially sensitive data.

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We use an online learning journey (Tapestry) to record childrens' learning. Parents have access to their own child's learning journey only and this is password and PIN-protected; all staff have access to the Tapestry app within the setting to take photographs and make observations and this is password and PIN protected; some members of staff (managers and key persons) have access via a personal computer, and again this is password protected.

Consent is obtained from parents, prior to their child starting at Pre-School, for their child to be included in photographs in other childrens' learning journeys. Some parents may wish to withhold this consent and this is carefully enforced.

All parents are required to sign an agreement that they will not share or publish photographs form Tapestry that include other peoples' children without the written consent of that child's parent/carer.

20 Early years practitioners training portfolios

Statement of intent

During training, pre-school staff and/or students may be required to compile portfolios which will be used to document and evidence their own learning. Part of this documentation is likely to include images of these people working alongside children participating in various activities. Should such evidence be required, parent or carer consent will be requested.

The DSL is to have a duty of care to ensure pre-school staff and/or students are to act responsibly in compiling the images to be included in training portfolios. Pre-school staff and/or students will therefore be monitored in their taking, making and use of such images. All images will be subject to scrutiny and regular audits will be carried out to ensure all relevant policies and procedures are to be adhered to.

Procedures

The DSL will oversee the compilation of images which are to be used by pre-school staff and/or students when completing training portfolios. Any images which are to be deemed unsuitable for any reason will not be included.

Should images be considered inappropriate, the DSL will ensure the ICT Misuse Policy

is to be applied.

21 Displaying images

Statement of intent

It must be ensured that still images and videos are to depict children in an appropriate way. The identity of individual children should also be protected. Particular caution should be taken where images are to be displayed in a public place. (The definition of a public place is to include any areas where parents and carers, members of the public and visitors are to be given access).

Procedures

Our displays may sometimes include photographs, observation notes and transcripts of children's communications. Where this is the case, care should be taken to ensure individual children will not be identifiable. Children should not be named if their photograph is to be displayed and transcripts of their words are to be placed randomly across the board and not be attributable to individual children.

Where photographs are to be displayed in any context, the use of close up images of children (particularly where they are to have been photographed against a blank background) should be avoided. Photographs of children must be purposeful and show them in an appropriate context.

22 Storage and disposal

Statement of intent

Images are to be stored and disposed of securely. The aim will be to prevent unauthorised access, ensure confidentiality and protect identity. All images are to be stored and disposed of in line with The General Data Protection Regulations 2018.

Procedures

Images will not be kept for longer than is to be considered necessary. Images taken using the setting tablets within the Tapestry app are not stored on the tablet. There are times when it is necessary to use the tablet's camera instead (eg when they are being used outside where there is no wifi, or for quick and easy use.) These photos are stored within the tablet's gallery: they uploaded to Tapestry as soon as possible and are deleted on a weekly basis. The tablets are PIN protected and are stored

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securely.

Security measures are to be the same that apply to any personal data and means that such data:

- Must be classified as protected, restricted or confidential.
- Must be marked for relevant disposal.
- Will not be removed from the site physically or electronically without suitable encryption (password protected is not enough by law).

Suitable encryption software is to be found at: <http://www.truecrypt.org/downloads>
<http://www.axantum.com/AxCrypt/Downloads.html>

We use an online journal for recording childrens' learning journeys (Tapestry). Staff will 'full staff' designation are able to access this from their personal computers. Staff with 'manager' designation (DSLs and Office Manager) also have consent to download photos, as does the staff member responsible for Facebook. There are clear constraints around why photos may be downloaded:

- To set as a child's profile photo
- To move to a different observation
- To put on our Facebook page (these photos will be assigned to 'trial child' and will ONLY be of childrens' work or of resources, see section 18).
- In order to print them – eg for display purposes.

Images that are downloaded MUST be uploaded or used immediately and then DELETED from the user's computer.

All hard copy images, will remain on site at all times, unless prior explicit consent has been given by both the DSL and the parent or carer of any child or young person captured in any photograph.

Hard copies of photographs must be disposed of should they no longer be required. It must be ensured that they will be returned to the parent/carers, or shredded as appropriate. Copies are not to be taken of any images without relevant authority and consent from the DSL and the parent or carer.

A record of all consent details are to be kept on file. Should permission be withdrawn at any time, all relevant images will be removed and disposed of. The record will be

updated accordingly.

23 Security

Statement of intent

All images are to be handled as personal data and deemed to be of a sensitive and confidential nature. It is to be recognised that damage or distress could be caused if security is to be breached. The responsibility of being in a position of trust in handling such data must therefore be taken seriously.

The DSL is to be responsible for ensuring all information is handled appropriately and securely. Should there be any concerns over breaches of security, the DSL and/or the registered person will be required to undertake an investigation as is to be deemed appropriate. All such incidents are to be recorded and where necessary reported to the relevant authorities. Any actions which are to be identified as a result of any investigations must be implemented with immediate effect.

Procedures

Security procedures are to be monitored and reviewed regularly.

All reasonable steps must be taken to ensure the reliability and suitability of any individual who is to have access to personal data. All Pre-school staff and the Committee are therefore considered to be in a responsible position of trust.

To this effect, effective safer recruitment procedures are to be applied. Rigorous and regular checks are also to be undertaken to ensure the on-going suitability of all new and existing pre-school staff and committee. All relevant checks must be completed before any new employee, volunteer or student is to be given access to children and/or their personal data.

All pre-school staff are to be required to follow confidentiality and information sharing procedures, which must be agreed to at the time of induction.

The following aspects of security are to be managed accordingly:

- Physical security - effective measures are to be put in place to ensure physical security and to protect against theft, including that of tablets, laptops, computers,

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cameras, and any personal data, including photographic images.

- Computer security – stringent measures are to be implemented to ensure computer security. Awareness will be raised in respect of technological advancements which could put online systems at risks. Security will be updated as and when it is to be required.

Security procedures are to be proportionate to the potential risks involved and must be subject to constant monitoring and review.

Adopted at Committee Meeting

10 July 2012

Reviewed September 2014, October 2017, September 2021

Related Policies

- Acceptable Use Policy
- ICT Misuse
- Internet Policy
- Mobile Technology Policy
- Confidentiality and Data Protection Policy