

Camera and Image Policy

Introduction

The use of cameras should be considered an essential and integral part of everyday life. As such, children and young people and 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 and young people may be exposed. 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.

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. The Camera and Image Policy will apply to all individuals who are to have access to and/or be users of work-related photographic equipment. This will include children and young people, parents and carers, early years Staff and their Preschool Leaders, volunteers, students, committee members, visitors, contractors and community users. This list is not to be considered exhaustive. It will apply to the use of any photographic equipment. This will include mobile phones and portable gaming devices with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.

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.

Code of conduct

All 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 and the ICT Misuse Policy. The use of cameras and other photographic equipment is only to be authorised by the Designated Safeguarding Lead. Staff should only use such equipment for purposes as designated by the Senior Designated Person for Safeguarding. It must be recognised that individuals may be given different levels of responsibility in terms of authorised use.

Wherever practical, cameras and other photographic equipment will be designated for work-related purposes only. The use of personal photographic equipment is to be avoided. Should it be considered that such use is not to be precluded for a given reason, explicit authorisation must be obtained from the Designated Safeguarding Lead and all relevant details of use are to be recorded.

The Designated Safeguarding Lead 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. Staff must ensure that all images are available for scrutiny and be able to justify any images in their possession.

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

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.

Consent

General signed consent to take photographs or record images of children will be requested from the parent or carer on enrolment of their child. The purpose for taking any images is to 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 will no longer attend the Preschool. This consent will cover the taking of images for general purposes, such as taking photographs which will be used to document children's learning (Tapestry etc).

Consent must be requested because an image of a child is considered to be personal data under the Data Protection Act 1998 and consent must be obtained as a requirement of the Act. The child's view is however to be considered at all times, regardless of age.

It should be recognised that some children and young people will be more vulnerable than others, for example disabled children, children in care, those with a child protection or child in need plan, children with English as an additional language, minority and ethnic children and those who have been subject to domestic abuse. 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

Prior consent will always be obtained on the Registration Form before any images will be taken. Verbal consent will not be accepted under any circumstance. If it should not be possible to obtain prior written consent, no images will be taken involving the individual child concerned. 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 Staff and their Preschool Leaders. 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

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).

It must 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 Staff are aware of the potential for images to be subject to misuse; and therefore will be expected to agree and sign up to an Acceptable Use Agreement .

Procedures

The purpose and context for any proposed image should always be considered. 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. Coercion must not be used to encourage a child to participate when it has been indicated that they clearly do not want to be involved. A child's right not to be photographed is to be respected.

It is to be recognised that individual close up pictures of a child often provides little context or purpose, and most often, an image of a group of children will show an activity or situation to better effect. Unnecessary close up pictures of an individual child with no surrounding context or purpose are therefore to be avoided. The vast majority of photographs taken in the Preschool environment will therefore be general shots of whole or small group activities.

Where group photographs of children and young people are to be planned, permission must be obtained from all parents and carers. If any parent or carer has indicated that their child is not to have a photograph taken then a group photograph will not be considered appropriate.

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 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.

All images to be taken should represent the diversity of the children and young people who attend the early years Preschool. No child is to be favoured in photographs. Images which could be considered to cause distress, upset or embarrassment must not be used.

Images of children and young people must only be taken when they are in full and suitable dress. In no circumstances, are images to be taken of children or young people in any state of undress. The taking or making of images in sensitive areas of the early years Preschool, for example, toilet cubicles and changing areas are not to be permitted.

We acknowledge that we share our grounds with Pickering Community Infant & Nursery School. No photographs of children in their care may be taken. Should Pre-School groups make use of access to the Pickering Community Infant & Nursery School woodland area we acknowledge that photographing activities children in our care undertake there is important for their Learning Journals. Care should be taken to ensure that any children of the Infant & Nursery School undertaking their own activities do not appear in any of these photographs.

The minimum amount of information possible is to be provided to preserve the identity of children and young people at all times. No personal details, such as home telephone numbers, email or home addresses are to be disclosed in any written or verbal communications. This is to include information that will contribute to the personal profile of a child. Consideration will always be given to where images are to be published.

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.

Using images of children supplied by a third party

It must be recognised that photographs and other images are subject to copyright, which will generally rest with the photographer. Prior permission must therefore be obtained before such images are to be used. Before using any image supplied by a third party, it is to be ensured that the third party owns the copyright and that consent has been given in writing by the individual(s) concerned to use the image. Where a third party provides such photographs/images, they will be obliged to confirm in writing that they have the express consent of the parent or carer to use the said image, where applicable.

Use of images of children by the media

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. It should be noted that the press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes.

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/carers consent will be sought before the press is to be given any access to children and young people. 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.

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 and young people by the press. Additional checks will however also be carried out by the Senior Designated Person for Safeguarding. 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 and young people, it is unacceptable for their names to be completely withheld. Newspapers will be very unlikely to print anonymous photographs. An agreement will therefore be sought between parents and 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/carers 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 and young people 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 Preschool, every reasonable effort will be made to ensure that children and young people 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 Preschool. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the Preschool is to be considered to have acted in good faith.

Use of a professional photographer

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 Data Protection Act 1998.
- 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.

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

Children photographing each other

Children may on occasion be given the opportunity to photograph each other and their surroundings. Children may also be given access to cameras within the Preschool environment to support their learning and development needs. These activities will be encouraged in a safe and enabling environment.

The right of parents and carers to take photographs and videos

Parents and carers will not be covered by the Data Protection Act 1998 if they are to take photographs or make a video recording 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 within the Preschool environment, 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 health and safety grounds. This right will be implemented should it be deemed appropriate.

Should it not be possible, to gain consent from the parents and carers of all children who may be implicated, there will be no option but to refuse an open request to take or make images. Consideration will however be given to organising a one-off photograph opportunity which will only involve those children for whom consent has been obtained.

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 the Data Protection Act 1998.

Mobile phones

The ICT, Mobile Phone Policy is to be referred to.

Website and Facebook

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 and young people could be exploited in some way after having their image displayed must also be acknowledged.

Displaying images of children and young people on the Preschool'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 or Instagram.

Learning Journeys

We use the wealth of information gathered about individual children to create a Learning Journey, which contains detailed individual observations of self-initiated activity in a particular context, photos and special moments as well as pieces of children's work. These are to be used to document and monitor the individual learning and development progress of each child in Preschool.

The information contained within each learning file 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 when not in use. The aim will be to avoid unauthorised access to potentially sensitive data.

Consent must be obtained from parents and carers should their child be photographed amongst a group of children; and where consideration is to be given to including that image in a learning file belonging to another child. It will be anticipated that this will be a regular occurrence, as group activity shots are to be encouraged.

Where possible, therefore, 'blanket' consent will be requested from parents and carers for group images to be included in the learning files of other children. Parents and carers must be given the option to view any images before they are to be included in any learning story, should they request to do so. Parents and carers will also be permitted to restrict their consent. This may mean that group images can only be included in specified learning stories, for example, those which are to belong to close friends. Should it not be possible to obtain consent, the relevant image must not be shared across learning files of other children.

Individual learning files are provided for the benefits of the individual child and their parents or carers. Parents and carers are therefore to be given the responsibility for choosing what to do with any personal data contained in the learning file, once it is to be in their possession. However parents must be made aware that they are not permitted to 'publicise' another child without the express agreement of the parent or carer concerned. Parents and carers must therefore be reminded that they must not share, distribute or display said images without relevant authorisation and consent from the parents and carers of all children and young people captured in any of the photographs.

Login details for any Online Learning Journal Preschool use to record the progress and development of children, such as Tapestry, will be given to parents / carers at the earliest opportunity.

Early years Staff training portfolios

During training, early years Staff may be required to compile portfolios which will be used to document and evidence their own learning. Part of this documentation may include images of the early year's practitioner working alongside children and young people participating in various activities. Should such evidence be required, parent or carer consent will be requested.

Storage and disposal

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 Data Protection Act 1998.

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Images will not be kept for longer than is to be considered necessary. The Senior Designated Person for Safeguarding is to ensure all photographs are to be permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use. Should images need to be kept for a short period of time, they must be protectively stored and password protected on the computer hard drive or other appropriate storage device. Such equipment will be stored securely and access will be restricted.

Photographs must be disposed of should they no longer be required. It must be ensured that they will be returned to the parent or carer, deleted and wiped or shredded as appropriate. Copies are not to be taken of any images without relevant authority and consent from the Senior Designated Person for Safeguarding 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.

Security

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 Senior Designated Person for Safeguarding is to be responsible for ensuring all information is handled appropriately and securely. Should there be any concerns over breaches of security, the Senior Designated Person for Safeguarding 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.

Under the Data Protection Act 1998, reasonable steps must be taken to ensure the reliability and suitability of any individual who is to have access to personal data. Staff 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 early years Staff and their Preschool Leaders. 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 early years Staff are to be required to follow confidentiality and information sharing procedures, which must be agreed to at the time of induction.

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

Legislative framework Data Protection Act 1998, Freedom of Information Act 2000, Human Rights Act 1998 and other relevant Acts regarding the taking and use of photographic images of children.

This policy was adopted at a meeting of Pickering Pre-School Playgroup held on 31st August 2023.

Date to be reviewed – Before end of August 2024.

Signed on behalf of the management committee

Name of signatory – Richard Allenby (Chairperson).