# Photography/Video and Social Media

## Introduction

The use of cameras should be considered an essential and integral part of everyday life. As such, children and young people and early year's practitioners and their managers should be encouraged to use such technology in a positive and responsible way.

It is recognized 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 is managed sensitively and respectfully. A proactive and protective ethos should 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.

## Aim

The Photography/Video and Social Media Policy aims to ensure safer and appropriate use of cameras and images through agreed acceptable use procedures. This is in line with legislative requirements and aims to respect the rights of all individuals.

The Photography/Video and Social Media Policy will apply to all individuals who have access to and/or are users of work-related photographic equipment. This will include children and young people, parents and carers, early years practitioners and their managers, volunteers, students, committee members, visitors, contractors and community users. This list is not exhaustive.

The Photography/Video and Social Media Policy applies to the use of any photographic equipment. This includes mobile phones and tablets with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.

## Responsibilities

The Designated Safeguarding Team 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 the Photography/Video and Social Media Policy.

## Legislative Framework

This policy complies with the requirements of the 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.

All images will be used in a manner that meets the requirements 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 e.
- 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.

Most organisations that process personal data must register under the Data Protection Act with the Information Commissioners Office. Some settings may be exempt and further details can be found at www.ico.gov.uk.

## Code of Conduct

All staff must ensure that the policy and procedures included herein are adhered to at all times.

The use of cameras and other photographic equipment should be authorized by the Designated Safeguarding Team. It must be recognized that individuals may be given different levels of responsibility in terms of authorised use.

Wherever practical, cameras and other photographic equipment should be designated for work-related purposes only. The use of personal photographic equipment should be avoided. If such use is allowed, authorization must be obtained from the Designated Safeguarding Team and all relevant details of use should be recorded.

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

The Designated Safeguarding Team must reserve the right to view any images taken and/or to withdraw or modify an individual's authorization 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 Team is responsible for ensuring the safe storage of all images, in accordance with the Camera and Image Policy and the advice given by the UK Information Commissioners Office concerning the secure storage of personal data.

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

## Consent

General consent to take photographs or record images of children is 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 able to be edited or retracted at any time, until such time the child or young person no longer attends the setting. This consent will cover the taking of images for general purposes, such as taking photographs which will be used to document children's learning.

## Procedures

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.

Images of children who no longer attend the early years setting should 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.

## Images

It is recognized 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 minimizing any danger is 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; and therefore early years practitioners and managers should be expected to agree and sign up to an Acceptable Use Agreement (in line with the Acceptable Use Policy).

## Procedures

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

Sensitivity must be shown to any child or young person who appears uncomfortable; and the potential for misinterpretation must be recognized. Images should therefore not be taken of any child or young person against their wishes.

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

Photographs should not be taken of any child or young person if they suffer an injury; whether it is accidental or non-accidental. This will be deemed a misuse of poser which will potentially cause the child or young person to become distressed or to feel humiliated. Where necessary, medical help should be sought, and in the case of a suspected non-accidental injury, the Safeguarding Policy should be implemented with immediate effect, which does allow for photographic documentation where deemed appropriate by management.

Images which may cause distress, upset or embarrassment must not be used.

Images of children and young people must only be taken when they are in 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 setting, for example, toilet cubicles and changing areas are not permitted.

Where parents take photographs of their 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 on-line, then they must make sure they are limited to immediate family only and not made public.

## Using Images of Children Supplied by a Third Party

There may be occasions where the press are invited to take photographs of the children and young people who 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 should be ensured that parental/carer consent has been sought before the press is given any access to children and young people. If a parent or carer chooses 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 controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children and young people by the press. Additional checks should however also be carried out by the Designated Safeguarding Team. This ensures that broadcasters and press photographers are made aware of the sensitivity in respect of detailed captioning, one-to-one interviews, and close up sports photography.

Where a press photographer is invited to celebrate an event, every effort should 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 invited to take photographs of children and young people, it is usual practice for names to be provided. Newspapers will be very unlikely to print anonymous photographs. You may request that only first names are used however responsibility and liability cannot be held of the actions of a third party organisation should they choose not to abide by any of those requests.

The identity of any press representative must always be verified. Access will only be permitted where the event is planned, and where press are specifically invited to attend. No authorization 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 young people and parents and caters are protected from any press intrusion.

Every effort should be made to ensure that the press abide by any specific guidelines if requested by the setting. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the setting is considered to have acted in good faith.

## Children Photographing Each Other

Parents and carers are not covered by the Data Protection Act 1998 if they take photographs or make a video recording for their own private use. The Act does not prevent parents and carers taking photographs or making video recordings of their own children within the setting environment, for example, during nativity plays and concerts.

The right to refuse parents and carers the opportunity to take photographs and make videos is however reserved.

## Procedures

Parents and carers should complete a Photography Acceptable Use Agreement if they wish to take or make any recordings within the setting environment. Authorised use will only be permitted on agreed dates and times, and within designated areas of the setting.

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 should not be allowed.

Parents and carers who are authorized to use photographic equipment should be encouraged to be mindful of others when making and taking such images. This ensures minimum disruption to other parents and carers during any event or production. The right to withdraw consent will be maintained and any images or filming must be open to scrutiny at any time.

## Web-Cams

Parental consent must be obtained before web-cams are used within the setting environment. Before seeking such consent, full details of why a web cam is to be used should be provided. This should also include information on the use of images, who is to be given authority to view them, and the security measures which will be implemented to prevent unauthorized access.

## Procedures

If filming takes place, children, young people, parents and carers, practitioners should be consulted. Written consent should be obtained from all parents and careers and Data

Protection guidelines should be followed. This includes the safe storage and disposal of all recordings.

Recordings should be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of no more than 30 days. All recordings should be erased before disposal.

## Website and Social Media

The posting of images on websites may raise issues and concerns.

There is 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 should also be acknowledged.

Little Nestlings will make every effort to ensure that all images and videos used on either the Nestlings website or the Facebook page are approved by parents/carers before upload, and are always able to be edited and or removed immediately upon request.

## Procedures

Displaying images of children and young people on the setting's website or Facebook must be done only with the consent of parent/carer.

## Learning Journeys

Under the Early Years Foundation State, staff are 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 activity in a particular context, photos and special moments contained in a child's portfolio all document the child's unique learning journey.

Such portfolios are known as learning journeys, and these are used to document and monitor the individual learning and development progress of each child in the early years age group (birth to five years).

## Procedures

The information contained within each learning journey relates to an individual identifiable child; therefore, it should be treated a personal data. This means that such information should be stored securely when not in use. The aim is to avoid unauthorized access to potentially sensitive data.

A code of practice trust statement should be advocated to protect and promote the welfare and individual rights of children and young people. Details of this code of practice will

therefore be included on a Learning Journey Trust Statement and Form. It will also be displayed on the front cover of all individual learning journeys.

Consent must be obtained from parents and carers if their child is photographed amongst a group of children; and where the image is included in a learning journey belonging to another child.

Where possible, therefore, 'blanket' consent should be requested from parents and carers for group images to be included in learning journeys for children. Parents and carers should also be permitted to restrict their consent. This may mean that group images can only be included in specified learning journeys, for example, those which belong to close friends. If it is not possible to obtain consent, the relevant image should not be shared across the learning journeys of other children.

Individual learning journey's, constructed by early year's practitioners and their managers, are provided for the benefits of the individual child and their parents or carers. Parents and carers should therefore be given the responsibility for choosing what to do with any personal data contained in the learning journey, once it is in their possession. However, parents must be made aware that they are not permitted to 'publicise' another child or young person 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 those images without relevant authorisation and consent from the parents and carers of all children and young people captured in any of the photographs.

## Storage and Disposal

Images should be stored and disposed of securely. The aim is to prevent unauthorized access, ensure confidentiality and protect identity. All images should be stored and disposed of in line with the Data Protection Act 1998.

Images should not be kept for longer than necessary. The Designated Safeguarding Team should ensure that all photographs are permanently wiped from memory cards, computer hard and portable devices or other relevant devices once the images are no longer of use.

If 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 should be stored securely and access restricted.

Photographs should not be stored on a portable storage device for any longer than is necessary.

Security measures should be the same that apply to any personal data.

All images, including those held within learning journeys should remain on site at all times, unless prior explicit consent has been given by the Designated Safeguarding Team

Photographs should be disposed of when no longer required. They should be returned to the parent or carer, deleted, or wiped or shredded as appropriate. Copies should not be taken of any images without relevant authority and consent from the Designated Safeguarding Team and the parent or carer.

A record of all consent details should be kept on file. If permission is withdrawn at any time, all relevant images should be removed and disposed of. The record should be updated accordingly.

## Security

All images should be handled as personal data and deemed to be of a sensitive and confidential nature. It should be recognized that damage or distress could be caused if security is breached.

The Designated Safeguarding Team is responsible for ensuring that all information is handled appropriately and securely. If there are any concerns over breaches of security, the Designated Safeguarding Team /or the registered person are required to take action as appropriate. All such incidents should be recorded, reported, and acted upon.

## Procedures

Security procedures should be monitored and reviewed regularly.

Under the Data Protection Act 1998, reasonable steps must be taken to ensure the reliability and suitability of any individual who has access to personal data.

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

All early year's practitioners are required to follow confidentiality and information sharing procedures, which must be agreed to at the time of induction.

| This policy was reviewed in | Signed on behalf of the nursery | Date for review |
|---|---|---|
| *September 2026* | *Elizabeth Ross-Whittall* | *September 2027* |