



USE OF IMAGES POLICY

SMARTIES PRE SCHOOL & OUT OF SCHOOL CLUB

POLICY STATEMENT

This guidance is designed to offer practical advice to settings to help them achieve a balance between safeguarding the children and young people in their care and ensuring families can celebrate in their children's achievements through the use of technology.

Settings are advised to have a clear policy which outlines the safety guidelines for the use of photography and mobile phones within the setting (3.4 Early Years Foundation Stage Safeguarding and Welfare Requirements)

- The use of images can be divided into three categories:
- Images taken by the setting i.e., observations
- Images taken by parents at setting events
- Images taken by third parties i.e. press, or newspapers

Staff or volunteers must not use personal technological devices (including mobile phones and cameras) to take images of children that attend the setting. We ensure the appropriate use of staff and volunteer technological devices and have detailed this within our Use of Mobile Phones, Cameras and Technological Devices policy which outlines the agreed protocol.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 affect the use of photography. An image of a child is personal data and it is, therefore, a requirement that consent is obtained from the parent/carer of a child for any images made such as those used for setting websites, observations, outings and events or other purposes. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.

A signed consent form should be obtained from the child's parent/carer, and should be kept on the child's file, covering all cases where images of children are to be used. Settings should annually review consent to ensure that parents and young people, who have previously given consent, can choose to opt out if they no longer wish to be included.

Where parents/carers have refused permission for their child/young person to be photographed or have not returned a completed and signed consent form, the child's image must not be taken.

Where a parent/carer has given consent, but a child or young person declines to have an image taken, it should be treated as consent not having been given and other arrangements should be made to ensure that the child/young person is not photographed/filmed.

Care should be taken in relation to particularly vulnerable children such as Children in Care, recently adopted or those who have fled domestic abuse.



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Examples:

A photograph of a child is taken as part of their Learning and Development record and consent has been gained from parents/carers. The images are likely to be securely stored electronically with other personal data and the terms of the GDPR and Data Protection Act will apply.

A small group of children are photographed during an outing and the photo is to be used in the setting newsletter. This will be personal data but will not breach the GDPR and Data Protection Act 2018 if the children and/or their parents/carers have given their consent and the context in which the photo will be used.

Parents wishing to take images at setting events

We do not usually allow parents/carers permission to take their own images or videos at our setting events incase we do not have permissions in place for all of the children. In most cases, Smarties Preschool and Out of School Club will take their own 'official' photos or videos, in line with the child permissions we have in place and to retain control over the images produced.

In the rare instance where we allow a parent to take images or videos at a setting events, they must have been given permission by the Setting Manager. Any images or videos taken must be for their own personal use and only of their child.

Images or videos taken at our setting events must not be uploaded to any social networking sites.

Third parties

Staff will challenge anyone who is using a camera, mobile phone or video recorder at the setting,, or or whom they do not recognise, or is in the school playground taking images of children within the Smarties setting, or is in the church graveyard taking images of children within the Smarties entrance area or Smarties outdoor area.

Images taken by the press

If a child is photographed by a newspaper, the photo becomes the property of the newspaper who has the final say as to how it is used. (N.B. images can be placed by editors on the newspaper's website). We will only allow children to participate in images for the press or newspapers if their parent/carer has given their consent.

We do not give out or permit the press or newspaper's to publish either the names or personal details of any children at our setting to ensure that they are safeguarded.



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Example:

- A photograph is taken by a local newspaper of a setting event. As long as the setting has agreed to this, and the children and/or their guardians are aware that photographs of those attending the event may appear in the newspaper and have given their express written permission, this will not breach the GDPR and Data Protection Act 2018.

Storage of images

- The setting has a duty of care to safeguard images so that they cannot be used inappropriately, or outside the agreed terms under which consent has been obtained. Images can be stored digitally, on videotape, in prints or negatives, or electronically, provided the storage is secure.
- Images must be maintained securely for authorised setting use only, and disposed of either by return to the child, parents, deleting on the setting's computer or Ipad or by shredding.

Transfer of images

- There is a risk, however small, that images may be lost while in the process of being transferred by either traditional or electronic methods. Therefore, there is the risk that an individual who would use them inappropriately may obtain the images. This risk should be explained to parents and carers.

Publishing or displaying photographs or other images of children

- The Department for Education advises that if the photograph is used, avoid naming the child. Whatever the purpose of displaying or publishing images of children care should always be taken to avoid the possibility that people outside the setting could identify and then attempt to contact children directly.

1. Where possible, general shots of group activities rather than close up pictures of individual children should be used
2. Children should be in suitable dress
3. An article could be illustrated by including the children's work as an alternative to using an image of the child

Useful sources of information

The Information Commissioner Office website <https://ico.org.uk/>

Guidance to the General Data Protection Regulation (GDPR)

<https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

Child Exploitation and Online Protection www.ceop.gov.uk



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SETTING IPAD AND CAMERA

We do have a Smarties Ipad/camera which is used for the purpose of recording observations about the children.

Procedures:

- As part of the communication between keypersons and children's parents, the keyperson may sometimes wish to take a photograph or video of a child to show/demonstrate them doing an activity whilst at the setting. Any photographs of this nature will only be taken on the setting's device.
- No photographs or videos of children must ever be taken on staff member's personal mobile phones or devices.
- The setting's device is kept in the Preschool room during the session so that staff may use it to take - photographs and videos and is kept in a lockable cupboard at all other times.
- No staff member is ever permitted to take it off-site or home, even if they wish to do keyworking from home to download any photographs or videos from the setting's IPAD onto a personal device.
- The only time that the Setting's IPAD or camera can leave the setting is during a walk with the children, or for a trip or outing with the children.
- Periodically, the device will be reviewed and photographs that are no longer needed, will be deleted.

SMARTIES FACEBOOK PAGE & SMARTIES WEBSITE

We have a public Smarties Facebook Page and a public Smarties Website which can be accessed by all Facebook and internet users.

Procedures:

- In terms of posting photographs of children on the Smarties website or any social media, we must first have consent in writing from the parents/carers.
- It's important that parents/carers clearly understand what they are consenting too, for example: will photos be used on the Smarties website, and social media or just the website. At the time of registration, -we will ask you to complete a permission slip which will allow you to advise us of your permissions or non-permission in relation to the use of your child's photo/s on the Smarties website or Facebook Page.
- If a parent/carer has consented to Smarties using their child's photograph, we can use those photos on the website and on social media (depending on what they have consented to).
- We will not use any child's name on our website or social media to identify them.
- We will not use any child's photograph on our website or on social media if we have not received written consent from their parents/carers or if it would constitute a safeguarding issue. (There will be a list of children that details whether we have or do not have consent regarding iamges on our website and social media in the front of our registration folder.
- Should a parent wish to have their child's photo removed from our website or on social media at any time, we will do that immediately.



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This policy was adopted on: 12/06/2023 Date

to be reviewed: 12/06/2025

Name of signatory: Victoria Hutter

Role of signatory: Chairman of the Committee

Signed: 12/06/2023

A handwritten signature in black ink, appearing to read "Victoria Hutter", is written over a faint, circular stamp or watermark.