

A Mobile Phone and Camera Toolkit for Early Years Settings

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1.0 Who is the Toolkit for?

The toolkit is designed to be used by any setting providing services for the early years age group (birth – 5 years), it supports good practice and can be applied to any organisation working with children.

The toolkit will aim to provide guidance on best practice for managing the risks associated with mobile phones and cameras.

This toolkit will provide information and guidance to promote best practice through policies and procedures and includes exemplars. Early years settings will be required to tailor the policies and exemplars to meet their own individual requirements and to ensure that they meet their own Local Authority's safeguarding policy and procedures.

The Statutory Framework for the Early Years Foundation Stage (2012) requires settings to have a safeguarding policy and procedure which includes the use of mobile phones and cameras in the setting (Pg.13 3.4) to minimise the risk of inappropriate sharing of images (Pg.14 3.6).

2.0 Mobile Phone Policy and Procedures

2.1 Aim

To protect children from harm by ensuring the appropriate management and use of mobile phones by everyone who comes into contact with the setting.

2.2 Procedures

- To minimise any risks, all personal mobiles must not be used where children are present. This applies to shared use of rooms where non setting staff may be present at the start of the session, for example an out of school club using a classroom with teaching staff present.
- Procedures must be put into place that will ensure safe and secure storage of practitioners' personal belongings including mobile phones. It is recommended that personal mobile phones are security marked, password protected and insured.

Visitors, including other professionals, contractors and parents/carers must be made aware by signs and verbal reinforcement that they are not to use their mobile phone where children are present.

- Under no circumstances are images, videos or audio recordings to be made without prior explicit written consent by the designated safeguarding person.
- Personal mobiles may be used in designated areas at break times.
- Staff are advised to provide their work place contact number to their family members, own children's schools/settings for use in the event of an emergency.
- The setting will not be held responsible for any loss or damage of personal mobile phones.

2.3 Work/Setting Mobile

- The mobile phone needs to be a phone only, not a camera phone, and clearly labelled as a works mobile phone.
- Where the setting has a mobile and it is the only source of communication or for use on outings, effective security procedures must be in place to guard against misuse.

3.0 Camera and Image Policy and Procedure

3.1 Aim

To safeguard children by promoting appropriate and acceptable use of photographic equipment and resources for storing and printing images.

3.2 Legislative Framework

- Data Protection Act (1998) in which there is eight principals.
- Freedom of Information Act 2000
- Human Right Act 1998

3.3 Procedures

- Consent is required under the Data Protection Act 1998 as images are considered to be personal data.
- All images are to be stored and disposed of in line with Data Protection Act 1998.
- If images are to be stored for a short period of time they must be password protected on a computer storage device.
- Security procedures must be monitored and reviewed regularly by the designated safeguarding officer. The security procedures include protection against theft of equipment and computer security.
- **Consent forms must be signed by parents/carers with parental responsibility when they register their child with the setting and copies of the consent forms should be provided for the parents.**
- Images must not be used for anything other than the agreed purposes unless additional consent is obtained.
- Photographs must be appropriately disposed of should they be no longer required. This could include giving the images to parents, deleting or shredding.
- Where group photographs of children are to be taken, written permission must be obtained from all parents /carers who have the right to refuse.
- The purpose and context for any proposed images should always be considered to decide whether a photograph or video are the most appropriate method of recording the information.

- The purpose of taking any images is to be clearly explained for example marketing of the business, prospectus, website, or local newspaper, use in display and to document children's learning.
- Each reason is to be clearly explained and agreed with an option for parents/carers to refuse any or all of the discussed uses and to withdraw consent at any time. Any consent should be reviewed on a regular basis and at least annually.
- Consent for the use of images applies to adults as well as children.
- A child's full name should not appear alongside their photographs particularly if the images could be viewed by the general public.

3.4 Use of a Professional Photographer

- Only a reputable photographer who can provide evidence of authenticity should be used. Their photographic identity should be checked on arrival.
- They should be viewed as visitors therefore appropriate supervision should be in place at all times to ensure no unsupervised access to children. They should be supervised by a person who is in regulated activity. For further information on this follow the website link on the back page.
- They should be asked to sign an agreement to ensure that they comply with Data Protection requirements, to agree that images will only be used for the agreed specified purpose and not be disclosed to any third person.

3.5 Parents/Carers

- The use of any photographic equipment by staff, parents or visitors must be with the consent of the head teacher, manager or person in charge.
- The manager should have the authority to challenge anyone using photographic equipment without prior consent.
- Parents and carers are not covered by Data Protection Act if they take photographs or make a video recording for their own private use. For further information see the website at the back of the document.

3.6 Digital Photo Frames

- If these are used to display slide shows of children, consent must be obtained from parents and carers.
- Images of children must be purposeful and show them in an appropriate context.
- Careful positioning of photo frames should be considered as they are often displayed in the most public areas of the childcare setting i.e. reception area.

3.7 Closed Circuit Television (CCTV)

- Images of people are covered by the Data Protection Act so it applies to CCTV.
- All areas covered by CCTV must be well signed posted and notifications are to be displayed so that individuals will be advised before entering such areas.
- Data protection and information guidelines are to be followed at all times. This to include the appropriate storage and disposal of all recording.
- For information and guidance please refer to the ICO publication 'CCTV code of practice'. Revised edition 2008.

4.0 Code of Conduct

A code of conduct is recommended to ensure that all staff are informed and work together to safeguard and promote positive outcomes for children, and complete a professional conduct agreement.

4.1 Legislative Framework

- **Data Protection Act (1998)**
- **Freedom of Information Act (2000)**
- **Statutory Framework for Early Years Foundation Stage (2012)**

Reasonable steps must be taken to ensure the reliability and suitability of any individual who is to have access to personal data.

All practitioners are required to:

- follow confidentiality and information sharing procedures which will be agreed at the time of induction;
- have a clear understanding of what constitutes misuse;
- avoid putting themselves in compromising situations which could be misinterpreted and could lead to potential allegations;
- be aware of reporting concerns immediately

4.2 Professional Conduct Agreement

We acknowledge that practitioners will use online and digital technologies in their personal and social lives so we ask them to sign the following Voluntary Professional Conduct Agreement to ensure clear boundaries between their home and professional roles.

(Name of practitioner):.....

I agree that through my recreational use of social networking sites or other online technologies that I will:

- not bring (*name of setting*) into disrepute;
- observe confidentiality and refrain from discussing any issues relating to work;
- not share or post, in an open forum, any information that I would not want children, parents/carers or colleagues to view;
- set privacy settings to block unauthorised access to my social networking page and to restrict those who are able to receive updates;
- keep my professional and personal life separate, and not accept children and parents/carers as 'friends';
- consider how my social conduct may be perceived by others and how this could affect my own reputation and that of the early years setting;
- either avoid using a profile photograph or ensure it is an image I would be happy to share with anyone;
- report any known breaches of the above;
- I understand that the completion of this form is optional. However, I voluntarily choose to complete it to safeguard my own professional reputation and that of (*name of setting*).
- I understand I am in a position of trust and my actions outside of my professional environment could be misinterpreted by others, and I am conscious of this when sharing information publicly with others.

Signature:

Date:

5.0 Children's Records (Learning Journeys/Profiles)

5.1 Legislative Framework

- Data Protection Act (1998)
- Freedom of Information Act (2000)
- Statutory Framework for the Early Years Foundation Stage(2012)

5.2 Procedures

- Learning journeys are to be treated as personal data as each journey relates to an individual, identifiable child.
- Where possible blanket consent will be requested from parent and carers for group images to be included in the learning journeys of other children. Parents and carers must be given the opportunity to view any images before they are included in any learning journey and must be given the option to restrict their consent.
- If it is not possible to obtain consent, the relevant image must not be shared across learning journeys of other children.
- Parents and carers must be reminded that they must not share, distribute or display images containing other children without the relevant permission or consent from their parents.
- Parents should be encouraged to contribute information to this learning journey, by including some information and photographs which show what their child enjoys doing at home.
- Learning journeys should remain on site at all times. If learning journeys are taken off site, this must be with prior written agreement between head teacher/manager/practitioner and parents and a risk assessment should be undertaken.
- For Ofsted registered settings, prior agreement from Ofsted is required for records to be kept securely off the premises (Pg. 26 3.68).

5.3 Children's Records/Learning Journey/Profiles Consent Form

To *(Name of parent or carer)*

Re: *(Name of child)*

As encouraged throughout the Early Years Foundation Stage, we will have in place detailed individual learning journeys for all children in our setting, which will document, evidence and monitor their learning and development progress.

In all children's learning journeys, we will include observations of your child at play, photographs and other information. The photographs could include individual and group play. It is likely that some of these group photographs will capture other children at play, so we therefore ask that you give permission for any photographs of your child involved in group play to be included in other children's learning journeys.

Please note that you will be given the option to view any photographs before they are included in any learning journey, should you request this.

As a parent/carer you will also be able to restrict your consent to only allow group photographs (which picture your child) to be included in specific learning journeys. If you would like to restrict your consent to specific learning journeys please state this in writing and return with this consent form.

Please also note that should any parent/carer not grant consent to include group images in other learning journeys, relevant images will not be shared across the learning journeys of other children.

If permission is granted for the sharing of images across learning journeys, these images cannot be shared with others or publicised in any way without the explicit consent of the parents /carer whose children may be included i.e. any social networking site.

This form is valid for the duration of your child's time at our early years setting.

The consent will automatically expire after this time. It is your responsibility to let us know if you want to withdraw or change your consent at any time.

I consent /do not consent to group photographs being included in other children's learning journeys

I understand that any data included in my child's learning journey which relates to another child is for my information only and I will not be publicise or share it in any way.

Signature of parent/carer:

Name:

Date:

6.0 Exemplars

6.1 Consent Form for Taking Images (Data Protection Act 1998)

To (*Name of the child's parent/care*)

Re: (*Name of child*)

We will take photographs of children to record special occasions and to monitor their learning and development progress. Any photos taken will be for the use of (*name of setting*) and yourselves, and we will therefore not share them with a third party without your explicit authorisation or consent. We aim to minimise the potential for misuse by having effective safeguards in place to protect children. Please refer to our camera and image policy and procedure.

Occasionally, we may invite the media into our early years setting to take photographs or film footage for publicity purposes and to record any special events. We will notify you of such occasions, and will seek specific permission for photographs to be taken, and potentially published at such times.

Should we wish to use any images in our publicity, in our prospectus or on our website, we will again ask for specific permission. This will be obtained alongside a copy of the image, and permission to use such image will be for a defined period of time only.

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child.

Please complete as appropriate.

- I consent / do not consent to photographs of my child being taken by authorised personnel representing (*name of setting*).
- I agree / do not agree with any resulting images being displayed on walls or in digital photo frames where they may be visible at times to the general public or anywhere which could be defined as a 'public place'.
- I understand that additional consent will be obtained should images be taken or used by a third party, used in publicity materials or in the media.
- I understand that I can withdraw my consent or request to see photos taken at any time.
- I have read and understood the conditions of use set out below.
- I understand that at any time should my child refuse or become upset, no photographs will be taken.

This form is valid for the duration of your child's time at our early years setting.

The consent will automatically expire after this time. It is your responsibility to let us know if you want to withdraw or change your consent at any time.

Signature of parent/carer:

Print name:

Date:

6.2 Additional Consent to Use an Image Form

Dear *(name of parent/carer)*

We would like to use a photograph of your child for the following purpose: *(list purpose)*:

The period of time this image would be used is from..... to.....

After this time, the photograph will be returned to you or destroyed.

We will not share the photograph with any third party or use the image for anything other than the agreed purpose.

Consent:

I have read the above statements, and I agree / do not agree to this image being used.

Signature of parent/carer:

Print Name:

Name of Child:

Date:

A copy of the photograph referred to in this consent form is attached.

6.3 Parental Photography Consent Form

We recognise that parents/carers will want to record productions or special events that their children are involved in. We therefore request parents/carers sign the following agreement to cover the taking and use of such images. This will ensure that the requirements of the Data Protection Act 1998 are adhered to and the wishes of other parents/ carers are respected.

I agree to:

- use recording/photography equipment only in the designated areas; ☐
- use recording/photography equipment on the agreed date and time only; ☐
- respect the rights of other parents, and will not attempt to make any recordings if full parental consent cannot be obtained; ☐
- stand to the rear of the designated area to avoid obstructing the view of others; ☐
- avoid taking unnecessary close-ups of individual children (other than my own child); ☐
- avoid taking any photos which could cause embarrassment or distress; ☐
- stop recording/taking photos on the request of any staff member; ☐
- ensure any photographs or videos taken are for my personal use only; ☐
- not sell, publish or display such images in any form, including uploading of photos on to the internet, in line with Data Protection. ☐

Signature of parent/carer:

Print name:

Name of child:

Date:

Name of production/special event:

Recording equipment used (delete as applicable):
camcorder / camera / mobile phone / other (please state)

6.4 Group Activity Permission Letter and Form

Dear *(parent/carer)*

We are staging a *(name the production/special event)* on.....

We are sure some parents/carers would like to take photographs/videos of the production and would therefore be very grateful if you would complete the slip at the bottom of this letter and return it to me by

Note:

Should any parents/carers not agree with their child being photographed, we will consider alternative options including:

- staging specific photograph opportunities

Photographs of setting productions are ones which parents/carers tend to treasure and we will therefore only prohibit the use of cameras and videos as a last resort.

We hope you will support us in this.

Yours sincerely

Date:

I am / am not * happy for photographs to be taken of the *(name the production/special event)* in which my child is due to appear on

(*Please delete as appropriate)

Signature of parent/carer:

Print name:

Name of child:

Date:

7.0 Websites

www.ceop.police.uk – Reporting of use of images

www.direct.gov.uk/en/N11/newsroom/DG - Nativity photos and data protection

www.foundationyears.org.uk – Early Years Foundation Stage Framework (2012)

www.ico.gov.uk- Data protection good practice note taking photographs in schools

http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/cctv.aspx - CCTV information

www.ofsted.gov.uk – Regulation & requirements

www.staffsscbs.gov.uk - Safeguarding information/Newsletters

http://www.safenetwork.org.uk/help_and_advice/employing_the_right_people/Pages/regulated-activity-supervision-guidance.aspx

<http://www.iwf.org.uk>

To ensure keeping up to date with changes in current practice register for updates via the following links with Ofsted and the Disclosure and Barring Service.

<http://www.ofsted.gov.uk/user?destination=user/my-subscriptions>

www.homeoffice.gov.uk/dbs-subscribe

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