

CHIDDINGSTONE NURSERY SCHOOL CIO

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Image Use Policy and Procedure

Written by	Jill McCoy and Sam Wells
Ratified on behalf of Management Committee	September 2021
Date for Review	September 2022
Signed - Co-Chair (s) of Management Committee	
Signed - Nursery Leader	

This policy will be reviewed and ratified at least annually and/or following any updates to national and local guidance and procedures.

This policy has been impact assessed by Jill McCoy in order to ensure that it does not have an adverse effect on race, gender or disability equality.

Statement of Intent

Chiddingstone Nursery School CIO recognises the safety and potential risks for all as well as the value of ICT. The nursery will be responsible for ensuring the acceptable, safe use and storage of all camera/video and other ICT technology and images. We ensure that all online safety practice is managed and implemented effectively within the requirements of the law.

Our Designated Person (a member of staff) who co-ordinates child protection issues is:

Mrs Jill McCoy

Our Designated Person (a member of staff) who co-ordinates online safety issues is:

Miss Sam Wells

Aims

Chiddingstone Nursery School CIO uses digital cameras/videos, I-Pads and Tablet computers to document the children's activities as part of play, learning and as a useful tool to support children's exploration and development. Under the General Data Protection Regulation 2018 any photos taken for official Nursery use may be covered by the Act and parents/carers and children should be advised when they are being taken. Photographs for personal use are exempt from the Act.

If parent/carers do not give consent for their children's images to be taken, then the Nursery will ensure those wishes are followed and that images are neither taken nor stored.

Procedure

The acceptable use of:

- Internet (including social networking sites)
- Emails
- Storage of documents, including, but not limited to, children's records and images/videos
- Cameras and other photographic equipment
- Mobile phones and other devices
- I-Pads and Tablets
- Computers/laptops

Official use of Images/Videos of Children

Scope and Aims of the Policy

This policy seeks to ensure that images and videos taken within, and by Chiddingstone Nursery School CIO are taken and held legally and the required thought is given to safeguarding all members of the nursery community.

This policy applies to all staff, including the Nursery Management Committee, cover/support staff, PTA, visitors, volunteers and other individuals who work for or provide services on behalf of the Nursery (collectively referred to as 'staff' in this policy), as well as children and parents/carers.

This policy must be read in conjunction with other relevant nursery policies including (but not limited to) safeguarding and child protection, behaviour, data protection, staff code of conduct, acceptable use policy, confidentiality and online safety and social media. This policy applies to all images (including still and video content) taken by the Nursery.

Chiddingstone Nursery School CIO has a responsibility to promote the welfare of all children in our care, and to take, share and use images of children safely. We recognise that:

- Sharing images and videos of our activities can help us celebrate the successes and achievements of children. The welfare of the children taking part in our activities is paramount. We also use images/videos to raise awareness of our organisation.
- Children, their parents/carers have a right to decide whether their images are taken and how these may be used, regardless of age, disability, race, religion or belief.
- Consent to take images of children is only meaningful when children, their parents/carers understand how the images will be used and stored.

Keeping children and young people safe is of paramount importance, we do this by: -

- Obtaining written parental permission prior to taking and using a child's image
- We explain what images/videos will be used for, and how they will be stored
- We ensure parents/carers understand that if a child or their family withdraw consent for an image to be shared, it may not be possible to delete images that have already been shared or published, for example a group Tapestry observation.

- Any images/videos that are uploaded to Facebook contain no identifiable features of children, including clothing.
- Making sure children, parents/carers understand how images of children will be securely stored and for how long. When a child leaves the setting any images/videos are deleted/destroyed, usually within 7 days. Tapestry is exempt from this measure as parents/carers have 1 month to download their child's journal, starting from the point the journal is made available for download. If a parent/carer does not download their child's journal within that time their journal/ parental information is deleted (A child's journal takes 90 days to be permanently deleted from Tapestry's system).
- We also have a robust procedure for reporting the abuse or misuse of images of children as part of our child protection procedures. Alongside ensuring all staff know the procedures to follow in order to keep children safe.
- Any images/videos taken of children are only taken on nursery owned devices

All images taken by the Nursery will be used in a manner respectful of the General Data Protection Regulation 2018. This means that images will be processed:

- Fairly, lawfully and in a transparent manner
- For a specified, explicit and legitimate purposes
- In a way that is adequate, relevant limited to what is necessary
- To ensure it is accurate and up to date
- Kept on file for no longer than is necessary
- In a manner that ensures appropriate security
- Processed for limited, specifically stated purposes only;
- Used in a way that is adequate, relevant and not excessive;
- Processed in line with an individual's legal rights

The Nursery Leader is responsible for ensuring the acceptable, safe use and storage of all camera technology, associated devices and images within the nursery. This includes the management, implementation, monitoring and review of the Nursery Image Use Policy.

Parental Consent

Written permission from parents or carers will always be obtained before images/videos of children are taken, used or published by the Nursery.

Alongside permission to take and use photographs offsite for professional, marketing and training purposes. This will be in addition to parental permission sought for onsite images.

Written consent from parents/carers will be kept by the setting where children's images are used for publicity purposes, such as brochures or publications, until the image is no longer in use.

Parental permission will be sought on the admission form and specified permission forms in welcome pack. A record of all consent details will be kept securely in each child's individual portfolio. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of, and the record will be updated accordingly.

We respect each parents/carers individual right and choice to not give, or revoke consent for their child to have images/videos taken at nursery. We recognise that some children are classed as vulnerable and subsequently do not have consent to appear in images/videos alongside other children. This is recognised and adhered too by all staff.

We will never exclude a child from an activity because we do not have consent to take their photograph.

Under the General Data Protection Regulation 2018 parents/carers have the right to withdrawn consent of photos/videos being taken of their child/ren at any time. The nursery will respect any decision made by the parent/carer, and will delete any stored images of the child, and refrain from taking pictures in the future of the child.

Storage and Safety of Images and Videos

All images/videos taken and processed by or on behalf of the Nursery will take place using Nursery provided equipment and devices. Staff will receive information regarding the safe, appropriate use and the storage of images as part of their General Data Protection Regulation training, also safeguarding training and responsibilities.

We take steps to mitigate the risk of unauthorised access to, and inappropriate use of images of children. This includes:

- Storing images in a secure location
- Only using nursery IT devices to take and store photos/videos of children
- Ensure that only nursery staff take, or use images/videos of children

All members of staff, including volunteers will ensure that all images are available for scrutiny and will be able to justify any images in their possession.

Images will not be kept for longer than is to be considered necessary. The Nursery Leader and IT Manager will ensure that all photographs/videos are permanently deleted from memory cards, computer hard drive and portable drives, or other relevant devices once the images will no longer be of use.

All images will remain on site at all times, unless prior explicit consent has been given by both the Nursery Leader and the parent or carer of any child or young person captured in any photograph. Should permission be given to take any images off site then all relevant details will to be recorded, for example who, what, when and why and how the data will be kept securely, for example with appropriate encryption.

Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably encrypted and will be authorised by the Nursery Leader. This will be monitored to ensure that it is returned within an appropriate time scale.

The Nursery Leader reserves the right to view any images taken and/or to withdraw or modify a member of staffs' authorisation to take or make images at any time.

Only official Nursery owned ICT devices will be used by staff to capture images of children for official purposes. Use of personal cameras or other associated IT devices by staff is strictly prohibited.

Any apps, websites or third party companies used to share, host or access children's images will be risk assessed prior to use.

The Nursery will ensure that images are always held in accordance with the General Data Protection Regulation 2018, and the Data Protection Act, and suitable child protection requirements, if necessary are in place.

Photographs will be disposed of should they no longer be required. They will be returned to the parent or carer, deleted or shredded as appropriate. When a child leaves the setting, their images/videos are deleted, usually within 7 days. Tapestry is exempt from this measure as parents/carers have 1 month to download their child's journal, starting from the point the journal is made available for download. If a parent/carers does not download their child's journal within that time their journal/parental information is deleted (A child's journal takes 90 days to be permanently deleted from Tapestry's system).

Copies will not to be taken of any images without relevant authority and consent from the Nursery Leader and the parent/carer.

Publication and Sharing of Images and Videos

We recognise the importance of reducing the risk of images/videos being copied and used inappropriately.

Images or videos that include children will be selected carefully for use e.g. only using images of children who are suitably dressed.

Images or videos that include children will not provide material which could be reused.

Children's' full names will not be used on the website or other publication (e.g. newsletters, news publications, social media channels) in association with photographs or videos, without written prior permission for parents/carers.

Obtaining parental consent prior to any images/videos being taken. Parent/carers sign and adhere to a parental acceptable use policy.

The Nursery will not include any personal addresses, emails, telephone numbers, on video, on the website, in a prospectus or in other printed publications.

If we become aware of any images/videos being used inappropriately, strict sanctions will be put in place. Should we believe this to be illegal we will notify the police, relevant authorities immediately.

Usage of Apps/Systems to Share Images with Parents

The Nursery uses Tapestry, a secure online learning journal to upload and share images of children with parents.

The use of Tapestry has been appropriately risk assessed and Nursery Leader, Deputy and Designated Online Safety Coordinator/IT Manager, who have taken steps to ensure all data stored is held in accordance with the Data Protection Act 1998 updated General Data Protection Regulation 2018.

Images uploaded to Tapestry are only taken on Nursery ICT devices.

All users of Tapestry are advised on safety measures to protect all members of the community e.g. using strong passwords, logging out of systems after use etc.

Parents/carers will be informed of the Nursery expectations regarding safe and appropriate use (e.g. not sharing passwords or copying and sharing images) prior to being given access. Failure to comply with this may result in access being removed.

When a child leaves the setting parents/carers have 1 month to download their child's Tapestry journal from the point the journal is made available for download. If a parent/carer does not download their child's journal within that time, their child's journal/parental information is deleted (A child's journal takes 90 days to be permanently deleted from Tapestry's system).

Safe Practice when Taking Images and Videos

Careful consideration is given before involving children, or vulnerable children including children with special educational needs and disabilities, when taking photos or videos, who may be unable to question why or how activities are taking place. The Nursery will discuss the use of images with children in an age-appropriate way.

A child or young person's right not to be photographed is to be respected. Images will not be taken of any child against their wishes. Photography is not permitted in sensitive areas such as toilets, etc.

Use of Webcams

Covid 19 Addendum

The Nursery does not normally use webcams. However, we will continue to use webcams to conduct nursery business such as virtual meetings with parents/carers and outside professionals where possible. These meetings will be held either via Zoom or Microsoft Teams which has been robustly risk assessed by the nursery's IT Manager/Online Safety Co-ordinator and the nursery leader.

We have a Remote Learning and Online Communications AUP which details the expectations of staff when using and conducting online communications.

When webcams are not in use, a sticker is placed over the camera to prevent unauthorised access. The nursery admin computer has a built-in webcam which is only operational during a virtual meeting.

Use of Images/Videos of Children by Others

Use of Photos/Videos by Parents/Carers

Parents/carers are permitted to take photographs or video footage of Nursery events for private use only. We publish guidance about image sharing in the event programmes, via Parentmail and/or provide details of our online safety and image use policy before, and after the event. This includes:

- Asking for any photos/videos taken during the event not to be shared on social media
- Recommending that people check the privacy settings of their social media account to understand who else will be able to view any images they share

Parents/carers who are using photographic equipment must be mindful of others including health and safety concerns when making and taking images.

The opportunity for parents/carers to take photographs and make videos can be reserved by the Nursery on health and safety grounds.

Parents/carers are not permitted to take or make recording of their children in the Nursery environment and certainly not permitted in sensitive areas such as toilets areas, etc. The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.

Parents may contact the Nursery Leader to discuss any concerns regarding the use of images.

Photos and videos taken by the Nursery and shared with parents should not be shared elsewhere for example posted on social media site. To do so may breach intellectual property rights, Data Protection legislation and importantly may place members of the community at risk of harm.

Use of Photos/Videos by Children

The nursery will discuss and agree age-appropriate acceptable use rules with children regarding the appropriate and safe use of cameras, such as places children cannot take the camera, for example unsupervised areas, toilet etc.

The use of personal devices, such as mobile phones, tablets, smart watches, children's own digital cameras, is covered within the nursery's online safety policy and staff code of conduct.

All staff will be made aware of the acceptable use rules regarding children's use of cameras and will ensure that children are appropriately supervised when taking images. Members of staff will role model positive behaviour to the children by encouraging them to ask permission before they take any photos.

Parents/carers will be made aware that children will be taking photos/videos of other children and will be informed how these images will be managed by the setting e.g. they will be for internal use by the setting only, and will not be shared online or via digital screens.

Photos taken by children will be viewed by a member of staff before being shared on digital screens.

Still and video cameras provided for use by children and the images themselves will not be removed from the setting.

Use of Images of Children by the Media

Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspapers, or other relevant media requirements can be met.

A written agreement will be sought between parents and carers and the press which will request that a pre-agreed and accepted amount of personal information (such as first names only) will be published with images and videos, alongside **the reason for taking the images and/or what the images will be used for.**

Parental consent will be sought prior to the event, we will also inform the photographer of anyone who does not give consent. At the event we will inform children, parents and carers that an external photographer is present and ensure the photographer is easily identifiable.

We provide the photographer with a clear brief about appropriate content and behaviour, ensure parents and carers have given written consent to images which feature their child being taken and shared, and report concerns regarding inappropriate or intrusive photography following our child protection procedures.

The identity of any press representative will be verified and access will only be permitted where the event is 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.

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

Use of Professional / External Photographers

Professional/external photographers who are engaged to record any events will be prepared to work according to the terms of the Nursery's Online Safety Policy.

Photographers will sign an Acceptable Use Policy which ensures compliance with the General Data Protection Regulation 2018, the Data Protection Act 2018, and the nursery's associated policies and procedures. Images taken by professional/external photographer's will only be used for a specific purpose.

Written consent from parent/carers will be obtained to give permission for professional / external photographers to take images of their children within nursery. If consent to take photographs is not given, we will respect individual parent/carer wishes.

Photographers will not have unsupervised access to children.

This policy was adopted at a meeting of Chiddingstone Nursery School CIO Management Committee

Held on (date)

Signed by, Co-Chair (s) of Management Committee
