



Picture Taking Policy

January 2018

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

Images taken by the setting

Photographs are a valuable tool for recording and assessing children's activities and achievements at **Bidborough Village Nursery School**.

Photographs will only be taken with digital cameras or setting's mobile phone. Staff mobile phones must be kept in their bag at all times, and not handled whilst looking after the children. Any emergency calls must be made via the nurseries main telephone line. Any member of staff found using a mobile phone without permission to do so may be subject to disciplinary action.

Photographs will only be taken during normal nursery activities. Cameras will never be used in the toilets/changing areas. A child will never be photographed when their nappy or clothes are being changed.

Staff or volunteers **must not** use personal cameras, videoing equipment or mobile phones to take images of children that attend the setting. The setting must consider the appropriate use of staff and volunteer mobile phones and should have a clear policy which outlines the agreed protocol.

The Data Protection Act 1998 affects the use of photography. An image of a child is personal data and it is, therefore, a requirement under the Act 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.

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 recorded.

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 or filmed.

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

Parents wishing to take images of setting events

The Data Protection Act does **not** prevent parents from taking images at setting events, but these must be **for their own personal use**. Any other use would require the consent of the parents of other children in the image

The setting manager in consultation with the employer must decide when parents are to be permitted to take images. This information must be given to parents.

It is recommended that wherever possible, settings take their own 'official' photos or videos, in order to retain control over the images produced.

Third parties

Staff should challenge anyone who is using a camera, mobile phone or video recorder at the setting whom they do not recognise.

Images taken by the press

If a child is photographed by a newspaper, the photo becomes the property of the newspaper and the newspaper has the final say as to how it is used. (N.B. images can be placed by editors on the newspaper's website). Generally, newspaper photos of groups of 12 or more children do not have the names of the children attached. Photos of smaller groups might include the full name of the child in the accompanying caption; however, the setting/parents are not obliged to provide children's names and it is recommended that they do not do so.

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, 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.

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