



## **Mobile Phone, Camera and the Right of Parents to take Photographs and Video Policy (Safeguarding)**

**Reviewed:** February 2015  
**Reviewed By:** Elaine Boulton Nursery Owner

It is a specific legal requirement that providers have a policy that covers the use of mobile phones in the setting (p13, Statutory Framework for the Early Years Foundation Stage 2012). Little Swans Day Nursery pay regard to this when writing their mobile phone policy.

### **Aims of the Policy**

It is our intention to provide an environment in which children, parents, guardians and staff are safe from images being recorded and inappropriately used in turn eliminating the following concerns:

- Staff being distracted from their work with children
- The inappropriate use of mobile phone cameras or other image recording equipment around children

### **Aim**

Our aim is to:

- Have a clear policy on the acceptable use of mobile phones and cameras that is understood and adhered to by all parties concerned without exception

In order to achieve this aim we operate the following Acceptable Use Policy:

### **Mobile Phones**

- Little Swans Day Nursery allows staff to bring in personal mobile phones and devices for their own use. Under no circumstances does the nursery allow a member of staff to contact a current child or parent/guardian using their personal device. This also refers to personal numbers and contact details to be given out
- All mobile phones that belong to staff/apprentices/volunteers are kept in the staff room/conservatory away from the children and not accessible to staff whilst on duty. Staffs is advised to give all relatives and relevant authorities the main nursery number so that they can be contacted in case of an emergency. They can only be used in the staff room/conservatory at lunchtimes. This ensures the quality of supervision and care is not compromised. This information is covered and signed for by staff/apprentices/work experience during their induction

- Mobile phones belonging to staff/apprentices and work experience are switched off and kept in a box provided in the staff room/conservatory while on duty. They are signed in and out each time they are used during breaks, on a sheet provided daily and kept for nursery records
- At the beginning of a staff/apprentice/work experience members shift, they will turn their mobile phone off and leave in the designated area. They will be allowed access to their mobile phones on their break but this must be away from the children and in the designated staff area. After their break, all working parties must return their mobile phone back to the designated area
- If a staff/apprentice or work experience has a personal emergency they are free to use the settings landline. They can in turn speak with the manager to ask permission to make a personal call from their mobile in the designated staff area of the nursery; conservatory/staff room. If any member of staff has a family emergency they are encouraged to give the nursery number for them to be contacted on. If this is not possible for whatever reason and they are required to keep their mobile phone on, prior permission must be sought from the senior management team and the mobile phone may be placed in the office, where it can be visible at all times. Management will call the staff member through should the phone need to be answered
- Staff/apprentices and work experience will need to ensure that the manager has up to date contact information and that the staff make their families, children's schools etc. aware of emergency work telephone numbers. This is the responsibility of the individual staff member
- ALL STAFF apprentices and work experience are responsible at the start of the day and at the end of breaks to check that their mobile phones have been handed in
- Under no circumstances are staff/apprentices and work experience allowed to keep mobile phones in their bags or pockets whilst on the premises/duty, with no exception
- Should staff/apprentices or work experience need the use of a phone whilst on duty they are allowed access to the nursery landline located in the staff room/conservatory and at various points around the building, once they have obtained permission from a senior member of staff
- Users bringing personal devices into nursery must ensure there is no inappropriate or illegal content contained on it
- Professionals or visitors that are at the setting will be asked to keep their mobiles in the office/conservatory. If they need to make a call then this will take place in the office away from children
- The manager or owner in her absence reserves the right to check the image contents of a staff/apprentice or work experience mobile phone should there be any cause for concern over the appropriate use of it
- Should any inappropriate material be found then our Local Authority Designated Officer (LADO) will be contacted immediately. We will follow the guidance of the LADO as to the appropriate measures for the staff members dismissal

## **The Use of Mobile Phones while off the premises on Day Trips and Outings**

Mobile phones have a place on outings as they are often the only means of contact available while off the premises and can be helpful in ensuring children are kept safe.

- *The statutory guidelines listed in the Statutory Framework for the Early Years Foundation Stage states that providers should take contact tele[phone numbers and a mobile phone on outings*

At Little Swans mobile phones are used when staff is off the premises on day trips/outings only. This is with permission obtained from the Senior Management Team for senior member of staff to carry their personal phone. E.G. the manager and a supervisor/qualified staff member will carry their own mobile phone on their person; this is included in the risk assessment prior to leaving the premises. They are prohibited from taking personal calls while off the premises and at no time will they use the phone for taking pictures of the children. Parent contact details will not be stored or held on a call list; if parents have been contacted for any reason while off the premises their number will be deleted once the conversation has ended. As the safety of the children is paramount, casual or inappropriate use of mobile phones accompanying children on nursery trips is prohibited at all times.

## **Cameras**

*One of the key ways we support children's development and engage parents in their learning is through photographs that record their activities and achievements that are then entered into the child's learning journey and assessments as well as display boards and multi media slide shows.*

*At the nursery we ask permission from parents/carers to consent to the use of cameras for appropriate recording purposes. We need to ensure that staff and children can still feel supported and make the most of the benefits of modern technology to support learning and development, whilst ensuring that children are kept safe.*

Photographs taken for the purpose of recording a child or a group of children participating in activities, celebrating their achievements is an effective form of recording their progression in the early years Foundation Stage. However, it is essential that photographs are taken and stored appropriately to safeguard the children in our care.

- Only the designated nursery camera is to be used to take any photo within the setting or on outings
- Images taken on this camera must be deemed suitable without putting the child/children in any compromising positions that could cause embarrassment or distress
- All staff members are responsible for the location of the cameras; this should be placed in a secure drawer when not in use
- Images taken and stored on the camera must be downloaded as soon as possible, ideally daily or a minimum of once a week
- Key people are responsible for downloading and printing their own children's photographs. These must be downloaded onto the nursery photograph data key, which MUST stay on the nursery site

- Any photos being taken of children should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well-being of the children who attend the nursery
- Any inappropriate use of cameras must immediately be brought to the attention of room supervisors and management
- Under no circumstances must cameras be taken into the changing/bathroom areas
- Failure to adhere to the contents of this policy will lead to disciplinary procedures being followed

## **The Right of Parents to take Photographs and Videos**

### **Statement of Intent**

Parents/guardians will not be covered by the Data Protection Act 1998 if they are to take photographs or make a video recording for their own private use. The Act will therefore not prevent parents from taking photographs or making video recordings of their own children within the setting environment, for example during nativity plays.

Letters will be sent home before a performance to enable nursery to plan ahead in the event a parent/guardian objects to photographs or videos being taken.

Parents will also be asked verbally on each occasion, before a production, if they are happy for all to take photographs and make recordings. In the event someone objects then the nursery will look at alternatives such as during a nativity the child would wear a mask if their part allowed for it such as an animal or star; Parents may be asked not to take photographs during the performance and then at the end the child would leave the production until all photographs had been taken.

The right to refuse parent/guardians the opportunity to take photographs and make videos is however also to be reserved on health and safety grounds. This right will be implemented should it be deemed appropriate. For example, if an excessive use of flashlights and/or bulky and noisy equipment are to be considered a potential health and safety risk.

### **Procedures**

Permission from parents/guardians will be sought if a parent or guardian should 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. For example when children are leaving the setting sometimes a parent wants to take a photograph of the child with their best friend. However nursery now takes end of year photographs for the parents/guardians to purchase, thus eliminating this problem.

Before a photography request can be authorised, consent will need to be obtained from all parent's/guardians of other children who may be captured in any photograph or video. Should it not be possible to gain consent from the parent/guardian of all children who may be implicated, there will be no option but to refuse an open request to take or make images. Consideration will however be given to organising a one off photograph opportunity which will only involve those children for who consent has been obtained.

Parents/guardians 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 will be a breach of the Data Protection Act 1998.

Parents/guardians who are to be authorised to use photographic equipment must be encouraged to be mindful of others when making and taking such images. This will be to ensure minimum disruption to other parents during an event or production. Care must be taken to ensure the view of others will not be obscured and intrusive photography or filming must be avoided at all times. The right to withdraw consent will be maintained and any images or filming must be open to scrutiny at any time.

Every effort must be made to ensure that individuals with no connection to the Early Years Setting are to be given no opportunity to film covertly. Little Swans Day Nursery staff has the authority to question anybody they do not recognise (subject to their own safety being ensured) should they be observed using any photographic equipment at events and productions or within the general vicinity. Care will be taken at all times to prevent any opportunist photography or filming taking place.

## **Use of a Professional Photographer**

### **Statement of Intent**

Little Swans Day Nursery will ensure that any professional photographer who is to be engaged to record any events will be prepared to work according to the terms of this policy document and the following guidelines:

- In the context of data protection legislation, the photographer will be considered a “data Processor” and any agreement with them will be in accordance with the Data Protection Act 1998
- Photographers will only be used where they will guarantee to act appropriately to prevent unauthorised or unlawful processing of images; and will ensure against accidental loss or destruction of, or damage to, personal data

### **Procedures**

Photographers will be asked to sign an agreement which will aim to ensure:

- Compliance with the Data Protection Act 1998
- Images are only to be used for a specific purpose and will not be used in any other context
- Images will not be disclosed to any third party unless it is to be a specific requirement to do so in order to fulfil the requirements of the agreement. Such use will also be subject to parental permission
- Only reputable photography agencies will be used or professional photographers. Evidence such as authenticity will be required
- Details of any checks regarding suitability, which are to include evidence of Disclosure Barring Scheme (DBS) will be requested. Photographic identity will be checked on arrival. Should there be any concerns in respect of the authenticity of any photographer, entry will be refused. Such concerns will be reported as is to be deemed appropriate
- Photographers are to be treated as any other visitor. As such, appropriate levels of supervision will be in place at all times. This will ensure that no unsupervised access to children will be given

## **Legal Framework**

The 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.

### Further Guidance

- Data Protection Policy
- Confidentiality Policy
- Child Protection Policy