

Use of mobile phones, cameras and technological devices policy

September 2024

* Throughout this policy the term non-staff may include children, parents, visitors and contractors.

1. Use of personal mobile phones, cameras and other technological devices by staff, volunteers or students

Upwood Small to Tall recognises that staff, volunteers and students may wish to have their personal mobile phones at work for use in case of emergency. It is acknowledged that staff may also have other technological devices in their possession or within their personal belongings.

However, safeguarding of children within the setting is paramount and it is recognised that personal mobile phones and technological devices have the potential to be used inappropriately or distract from the safe supervision of the children. The setting management has implemented the following policy:

- Personal mobile phones and other technological devices should only be used outside of working hours and not when children are present. All devices with imaging and sharing capabilities including Smart watches should not be worn when working directly with children.
- Personal mobile phones and technological devices should be stored in staff lockers or in the staff room.
- In very unusual circumstances, such as a family emergency, staff and volunteers should seek permission from the manager or employer to use their mobile phone or a technological device.
- If a staff member, student or volunteer must use their mobile phone or technological device (see above) this should be away from the children and ensuring that staff supervision levels are not compromised.
- Consideration will be given to Staff or children who have a technological device to record medical needs such in the case of recording blood sugar levels. This will be risk assessed recognising the unique need of this device and the clear use of it for the individual.
- Staff, students or volunteers who ignore this policy and use a mobile phone or other technological device on the setting premises without permission may face disciplinary action.
- The setting's main phone number can be used for emergencies by staff or volunteers or by people who need to contact them.
- In circumstances such as outings and off-site visits, staff will agree with their manager the appropriate use of mobile phones in the event of an emergency.

- Where there is a suspicion that the material on a mobile phone or technological device may be unsuitable and may constitute evidence relating to a criminal offence, The 'Allegations of Abuse' process will be followed (please refer to the setting's 'Safeguarding and Child Protection Policy').
- Staff, students or volunteers remain responsible for their own property and will bear the responsibility of any losses.

2. Use of personal mobile phones, cameras and other technological devices by non-staff*

Upwood Small to Tall recognises that visitors may wish to have their personal mobile phones and technological devices with them.

However, safeguarding of children within the setting is paramount and it is recognised that personal mobile phones and other technological devices have the potential to be used inappropriately and therefore the setting management has implemented the following policy:

- Mobile phones and technological devices must only be used away from the children and where possible, off site.
- In exceptional circumstances, such as a family emergency, visitors should seek permission from the setting manager to use their mobile phone.
- The setting's main phone number can be used for emergencies.
- Photos of children must not be taken without prior discussion with the setting manager and in accordance with the UK General Data Protection Regulation and Data Protection Act 2018 (UKGDPR) and using the 'Use of images consent form' (please refer to the setting's document 'Guidance for settings on the use of images').
- In circumstances where there is a suspicion that the material on a mobile phone or other technological device may be unsuitable and provide evidence relating to a criminal offence, the 'Allegations of Abuse' process will be followed (please refer to the setting's 'Child Protection and Safeguarding Policy').
- Visitors remain responsible for their own property and will bear the responsibility of any losses.
- Exceptions may be made when visitors need to use their device for medical recording such as in the case of recording sugar levels for a diabetic. The setting will risk assess the use of the device in this instance and remind the visitor of the strict use of the device for only this purpose.

3. Use of the setting's camera and technological devices

** The setting will also need to consider children's possession and use of mobile phones and other technological devices brought to the setting and agree a clear protocol.*

Upwood Small to Tall provides a tablet and camera for staff, volunteers and students to use to support their work with children. To ensure the appropriate use of this equipment, and to safeguard children, the following policy applies:

- Only the camera and other technological devices belonging to the setting may be used to take appropriate and relevant images of children, i.e. observations, photographs of setting events and off-site trips.
- Images must be used in accordance with the UK GDPR and Data Protection Act 2018.
- Cameras and technological devices should only be used where two or more staff members are present.
- The setting's tablet must only be used for work related matters.
- Where there is a safeguarding concern where abuse is suspected, the setting should not take images of a child's injury, bruising or similar even if requested by Children's Social Care. (Guidance for safer working practice for those working with children and young people in education settings, February 2022). The 'Log of Concern and Body Map' must be used to record all factual observations where abuse is suspected.
- In circumstances where there is a suspicion that the material on the setting's technological devices may be unsuitable and provide evidence relating to a criminal offence, the 'Allegations of Abuse' process will be followed (please refer to the setting's 'Child Protection and Safeguarding Policy').
- The setting's technological devices remain the property of the setting at all times and should not be taken off the premises (except for outings or other off-site trips).
- The setting Designated Safeguarding Lead will be responsible for filtering and monitoring the use of devices within the setting, ensuring that they seek support from an IT specialist should there be concerns about the device and content.
- Recommendations for more information can be found from the UK Safer Internet Centre.
- Further consideration must be given to requirements within the Early Years Online Safety Considerations for Managers, UK Council for Internet Safety.

Adoption and annual review of the policy

Upwood Small to Tall

2nd October 2024

Emma Staples

Chair

Guidance for settings on the use of images

September 2024

Introduction

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

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

The UK General Data Protection Regulation (UKGDPR) 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 – see Appendix A. 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 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/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.

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 UK 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

The UK GDPR and Data Protection Act 2018 do **not** prevent parents/carers 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.

Examples:

*A parent takes a photograph of their child and some friends taking part in a sponsored fun walk to be put in the family photo album. These images are for personal use and the UKGDPR and Data Protection Act 2018 **do not** apply.*

*Grandparents are invited to the setting nativity play and wish to video it. These images are for personal use and the UKGDPR and Data Protection Act 2018 **do not** apply. **However**, if they intend to use the video on a social networking site e.g. Instagram, Twitter, they must receive permission from the parents/carers of all the other children involved.*

The setting manager in consultation with the committee/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, 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 who 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.

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 given 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, or by shredding. The Images taken will be stored for the length of time required and no longer than the child remains in attendance at the provision.

Consideration must be given to the use of doorbell recording devices, Alexa and other technological device that may hold images or voices of children. Doorbell footage, if taken, will only be accessed by staff whilst on the property and not from an outside source without prior consent from management. These devices will be included in the DSL's filtering and monitoring processes that are in place. Further advice can be sought from the devices own Safeguarding policy.

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 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