



## KINDERGARTEN IMAGES OF CHILDREN POLICY

### INTRODUCTION

As laid out in the Terms and Conditions it is part of the contract for educational services which exists between the Kindergarten and the parents of a child, that photographs of the children may be taken and used by the Kindergarten in accordance with normal custom and practice. Such custom and practice will include: set piece photographs of the Kindergarten and snapshots of Kindergarten activities. It has also been custom and practice for Kindergartens to use images of their children for marketing purposes, such as in prospectuses and promotional videos or displays on its website.

Children also have their photographs taken to provide evidence of their achievements for developmental records and displays.

The policy relates to the taking, using and storing of images of children:

- on Kindergarten premises
- in connection with Kindergarten activities
- for other legitimate purposes of the Kindergarten

### AIMS

The aims of this policy are:

- to promote safety and welfare and respect for others;
- to ensure a sensible balance between privacy, creative self-expression and routine collating of information;
- to comply with the law and good practice without adhering to unnecessary bureaucratic procedures.

### PRINCIPLES

No person is authorised to take images of children that:

- might cause embarrassment or distress
- are associated with distressing or sensitive issues
- are unnecessarily intrusive

If there is any doubt about these matters, the person wishing to take the image must obtain the written consent of the child's parent(s).

## DEFINITIONS

**Images:** this expression in relation to children includes:

- photographs and digital photographs;
- video or film clips;
- images captured by mobile phones with a "camera" facility;
- webcams
- conference streaming

**Taking images:** this expression includes, unless otherwise stated, making, editing, using, exhibiting and storing images of children at the Kindergarten.

## PROCEDURES

- All digital images of children are stored on the kindergarten's computer, which is password protected.
- The photographs will be shredded or deleted once a child has left the setting.
- The digital camera or memory card must not leave the setting. Photographs are printed in the setting by key members of the team and images are then removed from the camera's memory.
- Photographs may occasionally contain other children in the background.
- Staff, visitors, volunteers and students are not permitted to use their own mobile phones to take or record any images of children for their own records.
- Occasionally, we may wish to use photographs of the children taking part in an activity to advertise/promote our setting via leaflets, our website etc.
- Visitors may only use their phones outside of the building
- The use of cameras and phones are strictly prohibited in the toilet or nappy changing areas
- The setting's mobile is kept at a central location.

### Internal Use of images

Digital and video images may be used within the school for the purposes of display, celebration and school promotion. Examples of how digital photography and video may be used within the school include:

- children being photographed at work during a learning activity and then displayed on the interactive whiteboard, allowing children to see their work and make improvements.
- presentation purposes around the school e.g. in wall displays or PowerPoint presentations to celebrate events and productions or record outings and projects.
- presentations around the school to share good practice or celebrate achievements with other parents and teachers.

### External use of images

When photographs and videos are used for external purposes parents must be informed. Heads will inform staff as and when events arise.

For any external use of digital images:

- if the child is named, we avoid using their photograph
- if their photograph is used, we avoid naming the child
- where showcasing examples of children's work we use only their first names

- if showcasing digital video work to an external audience, we take care to ensure that children are not referred to by name on the video and that children's full names are not given in the credits at the end of the film
- only images of children in suitable dress are used

Parents have given permission in the school's Terms and Conditions for photographs to be included in school publicity. In exceptional circumstances the school may wish to post a picture of a child with their name on the school website, in these circumstances, written permission from parents or carers will be obtained before individual photographs are posted.

If an organisation hosting a school trip requests pictures to be taken for their own publicity a consent form must be signed. (See attached appendix)

Filming and photography by television or newspaper journalists will take place only with the consent of the Head and under appropriate supervision. When images are taken for publication by television or newspaper journalists, children will only be named if there is a particular reason to do so (for example if they have won a prize) and home addresses will not be given out. If it is expected that the press will be attending Kindergarten events, this will be indicated in newsletters or on the Notice board.

### **Video Conferencing/Streaming Video**

When video conferencing is taking place parents must be notified beforehand by email or letter as this is streaming video and children will be informed about appropriate behaviour online and upholding the school's values.

### **Promotional material**

If parents do not want their child's photograph or image to appear in any of the Kindergarten's promotional material, they must write immediately to the Head, requesting an acknowledgement of their letter.

Where a child's photograph is used in the Kindergarten's promotional material, the Kindergarten will generally avoid using the child's name in connection with that photograph.

### **Seeking consent**

Although consent of parent(s) is not always a legal requirement, the Kindergarten will seek express prior written consent for the following images:

- Portrait style images of children
- Children' images by or with commercial sponsors
- Where the Kindergarten might receive a payment or other tangible benefit for allowing the use of a photograph, for example, providing a photograph to the media where the child has subsequently become a celebrity

Where consent is required as above we will obtain such consent from at least one parent.

### **Taking of images by parents and friends**

Parents and friends often wish to take images of their children at Kindergarten plays and concerts or sporting activities. Courtesy and good manners require that the following rules are respected:

- Visitors who bring a camera on to the Kindergarten premises may be asked to register it at a table sited near the entrance to the relevant event;
- Visitors must use their cameras with consideration and confine their photography to the relevant event;
- If visitors ask whether they can take photographs, they should be reminded that whilst it is permissible under the Data Protection Act 1998 to take photographs for personal use, publication of such images may be unlawful;
- Where a play or concert or other event is subject to copyright and performing rights restrictions, visitors will not be permitted to take images, photographs or video film. Official photographs or videos may be available for sale, however.
- Parents / carers are welcome to take videos and digital images of their children at school events for their own personal use (as such use is not covered by the Data Protection Act).
- To respect everyone's privacy and in some cases protection, these images should not be published / made publicly available on social networking sites, nor should parents / carers comment on any activities involving other children in the digital / video images.
- Staff and volunteers are allowed to take digital / video images to support educational aims, but must follow school policies concerning the sharing, distribution and publication of those images.

### **Safeguarding**

When publishing images of children in Kindergarten documents or on the website, care will be taken to minimise the risk of such images being modified to create inappropriate or indecent images. The Designated Officer for Child Protection can give specific advice as requested.

Thomas's Kindergarten Battersea Designated Safeguarding Leads are Kathy Ballantine and Sandra Walker

Staff will be mindful of safeguarding issues and will raise concerns with the Designated Safeguarding Lead if they become aware of anyone:

- taking an unusually large number of images
- taking images in inappropriate settings such as cloakrooms, toilets or changing areas
- taking images of children who are apparently unaware that they are being photographed or filmed

It is a criminal offence under the Protection of Children Act 1978, as amended, to take indecent photographs of a child. A "child" is anyone under 18 although there are defences involving children over 16 in a marital (or similar) relationship. The definition of "photograph" includes images on a mobile phone or stored on a computer and also includes "pseudo-photographs" where images have been manipulated. It is also an offence for someone to distribute or show such images or to have them in his possession with the intention of showing them to himself or others.

**See also:** Confidentiality Policy, ICT Acceptable Policy (Appendix 1 – 4),  
Safeguarding and Child Protection Policy

| <b>This policy will be reviewed annually</b> |     |                               |              |
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| Latest Review: May 2017                      | By: | Kathy Ballantine, Acting Head | Changes made |
| Next Review: May 2018                        | By: | Kindergarten Head             |              |