

EYFS eSafety Guidance



Use of Cameras and Images

Use of Mobile Phones

Use of The Internet

With reference to the “Statutory Framework for the Early Years Foundation Stage
Setting the standards for learning, development and care for children from birth to five” (2012)

Contents

Introduction	3
1. Use of Cameras and Images.....	4
2. Use of Mobile Phones	8
3. Use of the Internet	9
Appendices	11
Appendix 1. Example of Staff Agreement.....	12
Appendix 2. Example of Staff Image Consent Form.....	13
Appendix 3. – Example of Image Consent Letter to Parents	15
Image Consent Form	16
Appendix 4. Example Consent Form for Group Activity eg. School Production or Special Event	18

Introduction

This guidance document will highlight good practice and areas for discussion to support you in managing the risks associated with the use of various technologies (including the Internet) in an Early Years setting. It is not meant to be an exhaustive list, but should prompt further discussion with regard to key areas.

Quite often, the risks are not fundamentally related to a piece of technology, but rather the way in which it is used within a particular environment. What may be acceptable use at home is not necessarily acceptable within an Early Years setting. To protect all users from potential and known risks, it is important to follow a clear set of procedures and, if necessary, sanctions which are realistic, achievable, agreed and respected by everyone involved in the individual setting. The rationale behind any procedures or restrictions should be explained as a means of empowering users to stay safe rather something imposed to make life difficult!

Overall legal responsibility for ensuring safe use of technology lies with the individual or organisation registered with Ofsted to provide child care in the setting and must be reviewed on a regular basis as new technologies become available. However, safeguarding must equally be everybody's concern.

In this document:

- The term '*manager*' refers to the individual or organisation that is registered with Ofsted to provide child care or the designated manager of the setting.
- The term '*parent*' includes all adults with parental responsibility for a child

This guidance document is divided into 3 sections:

Use of Cameras and Images

Use of Mobile Phones

Use of the Internet

Acknowledgements: Reception Class – Eccleston St Mary's Primary School,
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1. Use of Cameras and Images

Under the Data Protection Act (1998) photographs and videos of adults and children are regarded as personal data and must be respected as such.

Safe practice must be communicated to adults within the setting, but also if children are encouraged to use cameras etc, you must consider how you will 'teach' them to respect individual's rights.

Areas for discussion:

Consent and Purpose

- Do you have **written** consent from parents for photographs of their children to be taken or used? Verbal consent is not considered acceptable.
- Do you have **written** consent from adults employed in the setting for their photographs to be taken or used?
- Does consent include the use of external photographers or involvement of 3rd parties?
- Does consent include permission to store / use images once a child has left the setting eg. for brochures, displays etc? Parents should be informed of the timescale for which images will be retained.
- How often is this permission obtained? What procedures are in place for changes in circumstances that may necessitate removal of permission?
- Are parents informed of the purposes for which images may be taken and used eg. displays, website, brochures, learning journeys and portfolios, press / other external media.
 - Are images displayed in public areas eg. the entrance hall? What is the 'purpose' of these displays and how are images selected for such a display?
 - Do you need specific parental permission for their child's images to be included in portfolios maintained by trainees / students not directly employed by the setting?
 - How do you ensure that only current images are used, ie. not children / adults who have left the setting?
- The press have special permissions in terms of Data Protection and may wish to name individual children to accompany a photograph. Do you have written permission from parents for this? At times, the media may publish an image in their online publication which may offer facilities for the 'public' to add comments in

relation to a story or image. These can potentially invite negative as well as positive comments. Do you have parental permission for images to be used in a way that supports this?

- How are all adults working in the setting kept informed of any children / other adults whose photographs must not be taken?

Taking Photographs / Video

- Which adults are authorised to take images? This may differ according to their status in the setting and be designated by the manager.
- Are photographs/videos only taken using equipment provided by the setting? The use of personal equipment should be avoided.
- When taking photographs/ video:
 - Are the rights of an individual to refuse to be photographed respected?
 - Do you ensure that the photograph doesn't show children who are distressed, injured or in context that could be embarrassing or misinterpreted?
 - Do you ensure that certain children are not continually favoured when taking images?
 - Do you ensure that subjects are appropriately dressed and not participating in activities that could be misinterpreted? This would include for example, considering the angle of shots for children engaged in PE activities.
 - Are certain areas of the setting 'off limits' for taking photographs, eg. toilets, cubicles etc.
 - Close up shots should be avoided as these may be considered intrusive. Shots should preferably include a background context and show children in group situations.

Parents Taking Photographs / Videos

- Under the Data Protection Act (1998), parents are entitled to take photographs of **their own** children on the provision that the images are for **their own** use, eg. at a school production. Any other purpose is a potential breach of Data Protection legislation.
- Are parents informed that they should only take photographs of their own children and that they need permission to include any other children / adults.
- Are parents reminded, preferably in writing, that publishing images which include children other than their own or other adults on Social Network sites is not acceptable, unless specific permission has been obtained from the subjects.

- Do you have / need a request form that 'allows' parents to use cameras at a specified time / in a specified area for a particular purpose?
- Are parents encouraged to be considerate when taking photographs, eg. not obscuring the view of others or being intrusive?

Storage of Photographs / Video

- How do you ensure that photographs are securely stored and not removed from the setting? This could include storage of images on portable devices eg. laptops or tablets.
- Do you allow images to be stored on USB memory sticks? Are such mobile devices encrypted or password protected?
- Do you 'store' images on tablets, 'apps' or use 'Cloud' storage? Are you confident that your images are being stored securely if hosted outside the setting?
- Who has access to photographs / videos stored on your equipment?
- Who is responsible for deleting photographs / video or disposing of printed copies (eg. by shredding) once the purpose for the image has lapsed?
- How do you ensure images are disposed of should a parent withdraw permission?
- If you 'send' photographs electronically eg. via email, how do you ensure that the email is secure?

Publication of Photographs / Videos

- Consent is needed from parents for publication of children's images, eg. on a website.
- Photographs should only be published online to secure sites.
- When publishing photographs care should be taken over the choice of images to ensure that individual children / adults cannot be identified or their image made available for downloading or misuse, eg. through the use of low definition images that will not magnify effectively.
- Full names and / or other personal information should not accompany published images.
When publishing images,
- How do you ensure that children's images are not displayed on insecure sites eg. personal Social Networking Sites?
- Are staff and pupils aware that full names and personal details will not be used on any digital media, particularly in association with photographs?
- Do all staff recognise and understand the risks associated with publishing images, particularly in relation to use of personal Social Network sites?

The Media, 3rd Parties and Copyright

- Are 3rd Parties supervised at all times whilst in the setting and able to comply with the Data Protection requirements in terms of taking, storage and transfer of images.
- Who owns the copyright for images taken by a 3rd party?
- If uploading images to a 3rd party website, eg. for printing or creating calendars, cards etc, have you read the terms and conditions of the web site. You could unknowingly be granting the site's host licence to modify copy or redistribute your images without further consent. The site may also be advertised for 'personal use' only – therefore using for business purposes would be a breach of the terms and conditions.

CCTV, Video Conferencing and Webcams

- Parents should be informed if CCTV or webcams are in use in the setting.
- Is the purpose for using CCTV / webcam made clear to those involved with the setting?
- Where are the cameras located? Do they overlook sensitive areas, eg. Changing rooms or toilets?
- Are notifications in place to inform setting users that CCTV is being used?
- Who has access to recordings? How are these stored and erased?

2. Use of Mobile Phones

Mobile phone technology becomes increasingly more complex, with many devices including access to a range of enhanced services and content beyond the traditional call making and texting. The use of mobile phones during the working day within the setting could cause distraction or be considered intrusive in certain situations.

Rules for the acceptable use of mobile phones should be discussed within the setting, be communicated to and respected by all users including staff, visitors and parents.

Areas for discussion:

- Do you allow use of personal mobile phones in the setting?
- Do you have designated 'mobile phone free' area(s) where the use of phones is not allowed eg. sleep areas, toilets, changing areas?
- Do you have designated times when use of personal mobile phones is allowed eg. lunch or break times?
- Is there a safe and secure area where personal mobile phones can be stored when not in use? Are personal mobile phones expected to be security marked, password protected and insured?
- How can staff or visitors be contacted in the event of an emergency?
- Do you have very clear statements to say that images, video or audio must not be recorded on a personal mobile phone without specific authorisation from the manager of the setting?
- Do you allow users to access the Internet via personal mobile phones using the setting's wi fi connection (if available)?
- Do you have a 'work' device for staff to use, for example, whilst outside the main buildings or on trips?
- Are users aware of the acceptable, authorised use of a 'works' mobile? How is this use monitored and recorded?
- How do you ensure that the device is always ready for use eg. fully charged and 'in credit'?
- How are visitors made aware of your rules for acceptable use of a mobile phone?
- Are staff vigilant in monitoring visitors for any covert use of mobile phones / cameras?
- Do you have a procedure in place for reporting any suspicious use of mobile phones and / or cameras? Are staff familiar with this?
- Are users aware of any 'sanctions' for misuse of mobile phones whilst in the setting?

3. Use of the Internet

The availability of Internet access will differ depending on the setting's context. Some settings will encourage staff and children to use the wealth of resources and tools offered through online access whilst others can't offer Internet access within their provision.

Areas for discussion

- Are practitioners and parents regularly updated on current practices for keeping safe online and made aware how inappropriate use of the Internet may have a negative impact on others.
- Is a list of authorised Internet users kept by the manager?
- Is access to the Internet via a secure wi fi or broadband system?
- Do devices, used within the setting, have up to date virus protection and appropriate filtering if to be used by children?
- Are security settings applied on tablet devices eg. to prevent downloading of apps, or payments for in app content?
- Do users have specific logins to devices within the setting? Do devices 'time out' if not used for a period of time, or are users instructed to log out when leaving a device.
- Are users encouraged to create safe passwords and change these at regular intervals? Passwords should be kept private and NOT shared with other adults.
- Are users authorised to download content eg. games, apps onto devices?
- Are there certain resources or sites eg. shopping, gambling, Social Networking that users are not 'allowed' to access on equipment owned by the setting? How is this communicated and monitored?
- What procedures are in place should a user access inappropriate or illegal materials?
- Does the setting have a dedicated, secure email address for all work related communication? Who has access to this?
- Any communications made on behalf of the setting should be polite, respectful and not open to misinterpretation.
- Does the setting have an official Social Networking presence eg. Facebook or Twitter account? How is this managed and who has access?
- Does the setting have an official website? Who is responsible for the content? How do you ensure that content is not subject to copyright restrictions?
- Are adults aware of what is unacceptable in terms of communicating with children, young people or parents via online technologies? This may also include adding children, young people or parents as 'friends' on Social Networking Sites. This should

follow the guidance offered by DCSF. (See 'Guidance for safer working practice for adults who work with children and young people' -

<http://webarchive.nationalarchives.gov.uk/20100202100434/dcsf.gov.uk/everychildmatters/resources-and-practice/ig00311/>)

- It is recognised that adults involved with the setting, including parents and visitors may make personal use of Social Networking sites on their own computers, outside the work environment. This should not be discouraged, but they should be made aware of the potential risks, for example in posting images of children or making comments that may breach confidentiality or be regarded as offensive. Practitioners should ensure that their use of such resources is professional and does not bring the setting into disrepute in any way.
- How will you deal with incidents where eg. parents breach confidentiality or post inappropriate content / negative comments with reference to the setting or its employees?

Appendices

These appendices provide basic templates that can be adapted to reflect individual settings.

Appendix 1. Example of Staff Agreement

Under section 3 of the EYFS framework (2012), all settings must have a Policy in place that covers the use of mobile phones and cameras. This Policy explains the procedures we have decided upon to safeguard children and staff at *<insert name of setting>*.

I have read the eSafety Policy for *<insert name of setting>* and agree to abide by its contents. I understand that failure to do so may result in disciplinary action being taken against me.

Name.....

Role.....

Signature.....

Date.....

Appendix 2. Example of Staff Image Consent Form

As a member of staff at <insert name of setting>, we may wish to take your photograph or include you in video footage that highlights your work in the setting or your involvement with specific children eg. in individual profiles. These images may appear in children's profiles and / or our publications both printed and online.

To comply with the Data Protection Act (1998), we need your consent to take and use such photographs or videos. Please read the 'Conditions of use' then circle your response to the questions below.

Please sign, date and return the completed form to <insert name>, even if you have chosen not to give your consent.

1. May we use your image in children's profiles?..... Yes / No
2. May we use your image in printed publications or displays within the setting?..... Yes / No
3. May we use your image in printed publications or displays outside the setting?Yes / No
4. May we use your image on our website / other online publication <Specify if necessary> ?..... Yes / No
5. May we include personal information ie. your full name and job title to accompany photographs / videos.....Yes / No

I have read and understood the conditions of use.

I understand that pictures and details published online are potentially accessible by anyone in the world with internet access.

Name:.....

Signature:.....

Date:.....

Conditions of use

1. This form is valid for *<insert time scale. This may be for the duration of a specific project or term of employment>*
2. Images will only be used for purposes where consent has been given.
3. Consent can be withdrawn at any time in writing to *<insert name>*.
4. Publication of photographs will cease and electronic copies will be deleted should you leave the setting.
5. Personal information will only consist of full name and job title. This will be accurate and kept up to date.

Appendix 3. – Example of Image Consent Letter to Parents

Dear Parent/carer

At *<insert setting name>* we like to use photographs / video to regularly record key moments in children's learning, but are obliged to request your consent before any images are taken that include your child.

Photographs / video may be used for example, to record achievements in children's learning journeys and profiles, in displays (both static and digital), printed publications, on our website and in publicity materials. *<List any other specific uses here>*.

We also actively encourage children to use our cameras to take photographs / videos as part of their learning activity.

Occasionally, we may be visited by the media or a third party who will take photographs / videos of an event or to celebrate a particular achievement. These may then appear in local or national newspapers, external websites or on televised news programmes.

We recognise that increased use of technology and opportunities for online publishing mean that there is greater potential for accidental or deliberate misuse. We endeavour to minimise risks by putting safeguards in place that will protect your child's interests, and enable us to comply with the Data Protection Act (1998).

Please read and complete the attached consent form (for each child) and return to *<insert name of Manager>* as soon as possible. We appreciate that some families may have additional concerns and anxieties regarding protection of a child's identity and therefore request that you inform us, in writing, of any special circumstances either now or at any time in the future that may affect your position regarding consent.

We include the safe use of Cameras and Images in our broad safeguarding procedures, which you are welcome to view or take a copy of at any time. If you have any particular concerns or queries, please do not hesitate to contact me.

Yours sincerely,

Image Consent Form

Name of child: _____

Please read the Conditions of Use on the back of this form then circle your response to the questions below. The completed form (one for each child) should be returned to <insert name of Manager> as soon as possible.

1. Do you agree to photographs / videos of your child being taken by authorised staff within the school?Yes / No
2. Do you agree to photographs / videos of your child being taken in group situations by 3rd parties at special events eg. School productions or extra curricular events?.....
Yes / No
3. May we use your child's image for educational purposes within the setting, eg. child's profiles or assessment documents? Yes / No
4. May we use your child's image in printed displays and publications to be used within the setting?..... Yes / No
5. May we use you child's image in digital displays within the setting?..... Yes / No
6. May we use your child's image in printed publications for promotional purposes?
.....Yes / No
7. May we use your child's image on our online publications eg. website / blog ?
Yes / No
8. May we allow your child to appear in the media as part of our involvement in an event? Yes / No
9. As the child's parent / carer, I agree that if I take photographs / videos of my child/ren which include other children, these will NOT be made available outside of personal use eg. on Social Network sites.

I have read and understand the conditions of use attached to this form

Parent/Carer's signature: _____

Name (PRINT): _____

Date: _____

Conditions of Use

1. This form is valid only for the period of time your child attends this setting. Consent can be withdrawn by parents/ carers at any time. This should be made in writing and forwarded to the setting Manager.
2. We will not re-use any photographs or videos after your child leaves this setting without further consent being sought.
3. We will not use the personal contact details or full names (which means first name **and** surname) of any child or adult in a photographic image, or video, in online or printed publications.
4. If we use photographs / videos of individual children (or adults), we will not use their full name of that pupil in any accompanying text or caption.
5. If we use the full name of a pupil in the text, we will not use a photograph of that pupil to accompany the article.
6. We will only use images of children who are suitably dressed and in a context that is not open to misinterpretation.
7. 3rd Parties may include other children's parents or relatives eg. attending a school production.
8. Images / videos will be stored in the setting according to Data Protection legislation and only used by authorised personnel.
9. Parents should note that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.

Notes on Use of Images by the Media

If you give permission for your child's image to be used by the media then you should be aware that:

1. The media will want to use any images/video that they take alongside the relevant story.
2. It is likely that they will wish to publish the child's full name, age and the school's name in the caption for the picture (possible exceptions to this are large group or team photographs).
3. It is possible that the newspaper will re-publish the story on their website or distribute it more widely to other newspapers or media organisations.

Appendix 4. Example Consent Form for Group Activity eg. School Production or Special Event

Dear Parent/ Carer,

Your child will be appearing in our *<production / event name>* on *<insert date/s>*. We are aware that these events are special for children and their relatives / friends and often form treasured memories.

We have a rigorous policy in place with regard to taking, using and publishing images of children and you have already signed a consent form stating whether you agree to your child's images / video being used in general circumstances.

Many parents / carers like to record their children appearing in such productions, but there is a strong possibility that other children may be included in the photographs or videos. In these circumstances, we request specific consent for photographs / videos to be taken by a third party (i.e. other parents). We need to have permission from all parents / carers of children involved in the production to ensure that they are happy for group images / videos to be taken and I would be grateful if you could complete the slip at the bottom of this letter and return to *<insert name>* as soon as possible.

We would also request that images / videos including other children or adults are not posted online, especially on Social Media sites eg. Facebook, without the specific permission of the individuals included in the footage. Please also be aware that parents are only permitted to take photographs / videos for their own personal use.

Should any parents / carers not consent, we will consider other options, eg. by arranging specific photo opportunities after the production.

These decisions are not taken lightly, but we have to consider the safeguarding of all our children and respect parents' rights to privacy.

Yours sincerely,

Child's name: _____ Date: _____

I agree / do not agree to photographs / videos being taken by third parties at the *<insert event>* on *<Insert date /s>*.

Signed _____ (Parent / Carer)

Print name _____