



7.4 Use of mobile phones, cameras and technological devices

This policy was adopted as part of **7 Safeguarding and child protection policy at** a meeting of Busy Fingers Pre-school Committee on **11 January 2023**.

*** 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

Busy Fingers Preschool 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. Smart watches should have messaging and camera modes turned off if worn when working directly with children.
- Personal mobile phones and technological devices should be stored in staff lockers or in the staff office.
- 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.
- 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. The setting has a

mobile phone to be used on off-site trips and in emergencies when evacuation of the premises is required (such as fire emergencies).

- 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

Busy Fingers Preschool 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 General Data Protection Regulation and Data Protection Act 2018 (GDPR) and using the 'Use of images consent form' (please refer to the 'Guidance 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.
- Children will not be permitted to bring their own technological devices into the setting. If this happens, they will be kept in locked cupboard/office during the session and returned directly to the parent/carer when the child is collected.

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

Busy Fingers Preschool provides a mobile phone, iPads and other electronic devices 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 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 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 mobile phone 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, May 2019 page 22). 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 mobile phone or technological devices may be unsuitable and provide evidence relating to a criminal offence, the 'Allegations of Abuse' process will be followed (please refer to [7.1 Safeguarding Practice in our Setting](#)).
- The setting's mobile phone and other technological devices remain the property of the setting at all times and should not be taken off of the premises (with the exception of outings or other off-site trips).
- The setting's camera doorbell is to be used for answering the door when the gate is locked and in the event of a security concern: it should not be used for any other type of monitoring/detection. The camera is not enabled to record pictures, video or audio.
- Smart speakers should generally be set with microphone and camera off and should not be used by children.
- If any electronic devices are no longer required by the setting, all data must be removed (e.g. factory reset, complete destruction).

Guidance on the Use of Images

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 General Data Protection Regulation (GDPR) 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. 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 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 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 GDPR 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 GDPR 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.

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