

Photographing, Filming and Recording Children & Use of Social Media Policy

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY

National Quality Standards (NQS) Quality Area 2: Children's Health and Safety	
2.2	Safety. Each child is protected.
2.2.1	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard

Policy Statement

The purpose of this policy is to ensure the collection and use of photographs, films and recordings of children at Hastings Childcare & Community Kinder complies with relevant legislation and policy requirements. Photographs, films and other recordings of individuals are considered personal information, and as such are protected by privacy law in the same way as other personal information. They may also be protected by copyright law.

Goals / What are we going to do?

We aim to ensure that the privacy of children and families are respected and maintained at all times when families, educators, staff, students and volunteers take photographs, films or recordings. This is to prevent the misuse of photographic, film images and or voice recordings and to protect the safety of children at our service. It is also to ensure that our childcare centre, staff or families are not compromised on a social networking website or other public websites and abide by the Legislative Requirements.

Scope

This policy applies to children, families, guardians, Educators, staff, students, volunteers and visitors of the Service. It covers all forms of photography, including still images, videos, and live streaming and all forms of distribution of this media including sharing, uploading, or distributing images of children on social media, email, text messages, or cloud/web based storage. It applies to all imaging or recording devices, including personal mobile phones, tablets, cameras, and other electronic devices.

Strategies / How will it be done?

General Social Media Use

Social media can be defined as an electronic communications method that allows people to socialise or communicate with each other. Examples of social media systems are Facebook, Instagram, MySpace and Twitter (X) etc. We take the view that social networking is for personal use only and should not be accessed whilst a staff member is at work. Staff members who can access a social networking site via their mobile phones are not to do so during their shifts at the service. Employees should be aware that social networking websites are not a private means of communication as they can be accessed by the public, therefore it is important not to share private information on social networking websites about centre families, children or other staff members. No information about what happens at the service, should be posted on a social networking website, nor should any photos/films or recordings taken at the service, or on an excursion, be posted to a social networking site.

If a staff member is found to have published on a social networking website or other public websites:

- photos, films or recordings of a child or children enrolled or previously enrolled at the service
- comments or published documents about the service or its staff
- information about any family or child in our care.
- any other confidential information or defamatory or inappropriate comments/statements
- materials that constitute harassment including but not limited to, sexual or verbal harassment of families, guardians, children and service employees; then

The service will immediately conduct an investigation and if the employee is found to have acted in contravention of this policy, they will be subject to performance management which may include termination of employment.

Should a staff member break the law on a social networking website, such as, but not limited to, defamation, the service will contact the police and other relevant authorities.

Should a family member related to the service harass a staff member via a social networking website, the Director/Authorised Supervisor will conduct an inquiry into their actions and depending on the severity of the situation face possible termination of employment.

Photographing, filming and recording children

The use of photos within the service provides children and families with a sense of belonging. Photographs allow children to see themselves at play, are a topic of conversation for children and parents, allow families to see their child at play, and convey the message to children that what they are doing is important. However, it is fundamental to respect the rights of all children and families to privacy.

To maintain children's safety and respect their right to privacy we will ensure that:

- Every child in our care is protected from any exploitation of photographs, film and recordings of themselves, taken whilst they attend the service.
- Consent is not required for Hastings Childcare & Community Kinder to use student images for safety reasons, such as identification, medical and service management systems.
- Photographs, film and recordings are only taken by educators for information purposes to support children's learning, wellbeing, and record their individual progress. These Photographs, film and recordings will only be shared with fellow Educators and each child's parents or guardians through approved streams eg Xap App or the company email. .
- Educators and staff use a designated service device when photographing, filming or recording children.
- Photographs, films or recordings of children are only published publicly by the service for the purpose of marketing, advertising and informational publications about the service both online and in print. The role of publishing publicly is a specialised position within the service and is not within the scope of Educators and Teachers. Consent must be obtained from parents/guardian's for the public publication of their child/ren's photograph, film or recording and consent can be withdrawn at any time. If consent is withdrawn, photographs, film and recordings will be removed from publication as soon as practicable.
- When outside agencies are engaged for taking photographs, films and recordings of children, the service will only collect and use the images and recordings of child/ren who have prior written parent/guardian consent.
- Other visitors to the service are not permitted to take photographs or videos or recordings of the children.
- Staff will have their personal mobile phones/devices switched off and securely stored while at the service if they choose to bring them to the service.
- Exceptions to the use of personal mobile phones/personal devices may be applied if certain conditions are met. Exceptions can only be granted by the Director or their delegate. Exceptions must be documented in writing.
- Staff are not to photograph, film or record children at the service on their phone or personal device at any time.
- Staff will only use designated work devices owned and controlled by the service to capture photos, films or recordings to support the children's learning and help record their individual developmental progress where possible, as required.
- Staff will not take or store photos of children on their personal device/s.

Crowd or event settings

Crowd shots that do not feature any particular individual do not need a signed consent from each person. Opt-out consent can be used instead, for example:

- add information about intended photography and filming to event invitations and newsletter articles
- have posters up at entrances to advise that a photographer is present, and ask anyone who does not wish to be photographed to make themselves known.

Families and guardians attending the service for group events and celebrations who photograph, film or record their child's inclusion in the events will however be requested to use and post images, films or recordings including on social media, in a manner that respects the privacy of others at the service.

Families and guardians should avoid taking, storing or publishing photographs, films and recordings that contain images of other children or adults visiting the service who are not their own child/ren, or family members unless they have consent to do so. Families and guardians will also be made aware that the service does not own and has no control over the use of photographs, film or recordings taken by other visitors, parents, carers or guests to the service during these types of events. Where possible we ask that you blur the background if taking photos of your own child at the service. This is to ensure the privacy, safety and wellbeing of all children in care is prioritised.

Ownership and Reproduction

Copyright in the images will be wholly owned by Hastings Childcare & Community Kinder. This means that Hastings Childcare & Community Kinder may use the images in the ways described in this form without notifying, acknowledging or compensating you or your child.

Roles and Responsibilities

The Approved Provider will:

- advise parents/guardians when photographs, film or other recordings of children are to be taken and how they will be stored and used, following the guidance in this policy
- provide parents/guardians with the choice to withhold or withdraw consent for the use of photographs, film and recordings of their child in the services' public marketing, advertising informational publications.
- manage how photographs, films, and recordings of children are used in the service.
- obtain parent/guardian permission before child/ren photographs, films or recordings are made publicly available for advertising, marketing or informational purposes, or collected by any outside agency.
- Inform parents/guardians of their responsibilities to exercise care when using photographs, film and recordings of their children participating in service group events and celebrations.
- ensure that when engaging a professional photographer, a clause relating to appropriate information handling is included in the agreement or contract between the photographer and service.
- Ensure that the Social Media administrators have the right to delete any comments or posts to Hastings Childcare & Community Kinders social media pages made by families or staff.

Approved Provider and nominated supervisor will:

- maintain children's safety and respecting their right to privacy
- ensure that families provide written permission/consent for publication of photographs, film or recordings of their child by the Service at enrolment, for the purpose of advertising, marketing and informational publications. Where consent is subsequently withdrawn for this purpose the service will respond promptly to cease publication however consent may not be able to be withdrawn with respect to images already published and in the public domain.
- ensure that every child in our care is protected from any exploitation of photographs, film or other recordings of themselves taken whilst they attend the Service
- ensure that personal information about the child's surname, age or any other information that reveals their identity is not published
- ensure that photographs, film or other recordings of children taken by educators will be to support the children's learning and record children's individual progress
- ensure that photographs, film or other recordings of children held by the service are securely stored when the child is no longer enrolled at the Service

Early Childhood Educators and staff will:

- Maintain the children's safety and respect their right to privacy
- Have their personal mobile phones/devices switched off and securely stored while at the service if they choose to bring them to the service. Phones and personal devices can be used in the staff room or outside the service premises during allocated break times.
- Not photograph, film or record children at the service on their phone or personal device at any time.
- Only use designated work devices owned by the service to capture photos, films or recordings to support the children's learning and help record their individual developmental progress where possible, as required.
- Not take or store photos, film or recordings of children at the service, on their personal phones/devices.
- Not share, upload or distribute any photos, films and recordings of children created at the service to other personal devices.
- Not use photos, films and recordings of children for any purpose other than for the approved purposes as outlined in this document.
- Ensure that images are only to be used for approved educational purposes including but not limited to Service/classroom displays, ID Purposes, in each child's portfolios, films/recordings of the children taken occasionally for the children to be able to watch themselves at play and to record their learning on the service software. Aside from these approved education related uses, educators and staff cannot share these images/recordings of children with anyone.

- Ensure that the taking of photos/films or recordings does not occur at times where it will reduce their abilities to effectively supervise, interact with and engage with children in their learning.
- Model the respectful and moderate use of digital devices within a child's routine.
- Provide meaningful photos, films or recordings that make learning visible but do not detract from the care and education of the children.
- Understand that photographs, films and other recordings of individuals are considered personal information, and as such are protected by privacy law in the same way as other personal information.
- Abide by privacy laws.
- Immediately advise management in any instance that they have concerns or become aware that another staff member may be photographing, filming and/or sharing images inappropriately.
- Ensure that the children's safety and security is paramount in any decisions made regarding the use of their photographs, films or recordings in line with the Child Safe Policy.
- Maintain professional boundaries on social media and avoid accepting or requesting children's or parents/carers/nominees as 'friends' or to 'follow' them on these sites or platforms.
- Be prepared with an appropriate response when a child or parent/carer/nominee asks to connect on any social media or gaming site.
- Avoid sharing personal mobile numbers or communicating with children and/or parents/carers/families using personal social media or email accounts.
- Never exchange personal images with children and avoid storing images of, or information about, children on personal devices. Never post images of children on personal accounts.
- Refrain from criticising colleagues, children, their parents/carers, management or education sector online (whether using real names or pseudonyms). Remember that even if a profile is set to private, comments or posts may be visible to others, or copied and passed on.
- Avoid using the services logos, trademarks or other intellectual property on social media, or making comments on behalf of the service without express content to do so.
- Staff members who can access a social networking site via their mobile phones are only to do so when on a rostered break.
- Staff should avoid direct messages or private spaces when communicating with parents/families/carers.

Families will:

- Understand and consent that child(ren) whose name(s) are listed on the enrolment form may be photographed/filmed/recorded at the Service during normal operating hours, excursions, or other service activities.
- Understand and accept that these photographs/films/recordings may be used for educational purposes including, documentation/assessment, room displays and ID Purposes at the service to support children's learning and help record their individual developmental progress.
- Indicate whether they provide or decline consent for the service to use photographs, films or recordings of their child/ren for marketing, advertising and informational publication. This consent can be withdrawn in writing at any time via email to the service administration team.
- Follow this policy during crowds or events settings.
- Hastings Childcare & Community Kinder social media pages are to be used as a form of communication between staff and families and should only be used for positive discussions relating to the centre.
- Will not post anything on social networking sites such as 'Facebook' that could be construed to have any impact on the services reputation.
- Will not post anything on social networking sites that would offend any other staff member, parent or child using the service
- Show respect to staff and other parents/families/carers at all times including any online interactions.
- Respect professional boundaries on social media and avoid requesting staff to 'friend' or 'follow' them on these sites or platforms.

Students completing placement will:

- Have their mobile phones/personal devices switched off and securely stored during placement hours if they choose to bring them to the service. Phones and personal devices can be used in the staff room or outside the service premises during allocated break times.
- Exceptions to the policy may be applied if certain conditions are met. Exceptions can be granted by the Director . Exceptions must be documented.
- Students are not to photograph, film or record children at the service on their phone or personal device at any time.

- If photos are required for part of their coursework appropriate paperwork with parent consent will be required. Consent and approval will need to be sought directly in writing to the Director before approaching any parent. Any approved photos will be taken under direct supervision and also on a service device. Students are NEVER to take photos/films or recordings on any personal device.

Monitoring, Evaluation and Review

- This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every two years.
- Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.
- In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

Legislation

- Education and Care Services National Law Act 2010: Sections 167, 169
- Education and Care Services National Regulations 2011: Regulations 87, 89, 136, 137(1)(e), 168(2)(a), 245
- Work Health and Safety Act 2011
- Children and Young Persons (Care and Protection) Act 1998
- Privacy Act 1988
- Online Safety Act 2021

Sources/Useful Resources

- Guide to the National Law and National Regulations
- Photographing, Filming and Recording Students
<https://www2.education.vic.gov.au/pal/photographing-students/policy>
- Digital documentation for families – quality or quantity?
<https://www.acecqa.gov.au/latest-news/blog/digital-documentation-families-quality-or-quantity>
- Do you want me to 'be' with your child or photograph your child?
<https://thespoke.earlychildhoodaustralia.org.au/want-child-photograph-child/>
- Byrnes, J., & Wasik, B. (2009). Picture This: Using Photography as a Learning Tool in Early Childhood Classrooms. *Childhood Education*, 85. doi:10.1080/00094056.2009.10523090.
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- <https://www.esafety.gov.au/kids>