Image Use Policy

Key Details

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Date to be reviewed: Annually or following any national/local policy/legislation changes

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Designated Safeguarding Lead (DSL): Suzanne Lingard

Governor with lead responsibility: TBA

Why does Chevening School Nursery need an image use policy?

Photographs and videos are often used in education settings to celebrate children's achievements, record learning, share special events and promote the life of the school/setting. Families often value seeing these moments in displays, newsletters, websites or other communications.

Our image use policy helps us make sure photographs and videos are taken, stored and shared safely, respectfully and lawfully. It also helps parents/carers make informed decisions about consent.

What are the risks?

Most images are used positively and safely. However, sharing images publicly can sometimes create risks, particularly where a child, family member or member of staff can be identified.

For example, some children, families or staff may be at risk if their image or location is shared publicly. This may include children in care, adopted children, families who have fled domestic abuse, or adults and children experiencing harassment, stalking or unwanted contact. In some cases, images may also attract the attention of people who may seek to harm or exploit children.

There are also newer online risks. Images shared online may be copied, saved, altered or misused without permission. National guidance has highlighted concerns about publicly available images being manipulated using artificial intelligence and other digital tools.

These risks are not intended to cause unnecessary alarm, but they are important to consider so that images can be used in a safe and proportionate way.

Why are education settings reviewing how images are shared?

The online environment has changed. Once an image is shared publicly, it can be difficult to control how it is copied, downloaded, shared or reused. This does not mean we should stop using images altogether, but it does mean we need to think carefully about when, where and how they are shared.

We will consider whether public sharing is necessary, whether a less identifiable image could be used, and whether safer options are available, such as secure platforms, images of activities or work, or group images where children are less identifiable.

What about the setting's website and social media?

Where we use images on our official website, social media or other public channels, we will take steps to reduce risk. This includes not using children's full names, limiting identifying information, using images where children are less identifiable, checking consent, removing metadata where possible and regularly reviewing images so they are not kept online longer than necessary.

Can I take photos or videos of my child at school/setting events?

Parents/carers often want to take photos or videos of their own children at events such as performances, sports days or celebrations. The Information Commissioner's Office explains that data protection law does not stop parents/carers taking photos or videos for their own personal or household use. However, schools and settings can set their own expectations for safeguarding, child protection, privacy or health and safety reasons.

The concern is usually not parents taking photos of their own child for personal memories. The concern is when photos or videos also include other children, staff or families and are then shared more widely, especially on social media. You may not know who is vulnerable, who does not want their image shared, or where sharing an image could create a safeguarding or privacy concern.

Sharing images privately with close family and friends is usually likely to remain personal use. However, sharing images publicly, or with an indefinite number of people, may go beyond personal use. The safest approach is not to share photos or videos publicly if they include other people's children, unless you have their parent/carer's permission.

What can parents/carers do to help?

You can help us keep children, families and staff safe by respecting our image use policy, following any instructions at events, not sharing images of other people's children publicly, and speaking to us if you have any concerns about your child's image being used.

If your family circumstances change, or if you wish to change or withdraw consent, please let us know in writing so that we can update our records.

Scope and aims of the policy

1. This policy template has been developed by Kent County Council's LADO Education Safeguarding Advisory Service (LESAS) to support education settings to make informed, safeguarding-led decisions about the taking, use, storage and sharing of images.
2. This policy seeks to ensure that images taken within and by Chevening School Nursery are taken and held legally and the required thought is given to safeguarding all members of the community.
3. This policy applies to all staff including the governing body, teachers, support staff, external contractors, visitors, volunteers and other individuals who work for or provide services on behalf of the setting (collectively referred to as staff in this policy) as well as children and parents/carers.
4. This policy must be read in conjunction with other relevant policies including, but not limited to; child protection, behaviour, data security, social media, acceptable use of technology and confidentiality policies.
5. This policy applies to all images, including still photographs and video content taken by Chevening School Nursery.
6. All images taken by the setting will be used in a manner respectful of the Data Protection Principles. This means that images will be processed:
    - fairly, lawfully and in a transparent manner
    - for specified, explicit and legitimate purposes
    - in a way that is adequate, relevant limited to what is necessary
    - to ensure it is accurate and up to date
    - for no longer than is necessary
    - in a manner that ensures appropriate security

7. The Data Protection Officer (DPO) within the setting is supported by the Designated Safeguarding Lead and the management team and are responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the setting. This includes the management, implementation, monitoring and review of the Image Use Policy.

Official use of images of children

Consent, lawful basis and transparency

1. Consent will not be treated as a one-off administrative process. Chevening School Nursery will review consent arrangements regularly and at key transition points to ensure parents/carers and, where appropriate, child(ren), understand how images may be used.

2 Child(ren)'s wishes and feelings will be sought and taken into account in an age-appropriate way. Images will not normally be taken or used where a child indicates that they do not wish to be photographed or recorded, unless there is a clear and justified reason to do so.

3 Where images are used for publicity, publication, websites, social media, media activity, marketing or wider external communication, written consent will be obtained from parents/carers, unless another appropriate lawful basis has been identified and documented. Child(ren)'s wishes and feelings will be sought and taken into account where appropriate.

4 Where images are used for necessary internal educational, safeguarding, security or administrative purposes, Chevening School Nursery will identify an appropriate lawful basis and ensure images are used only where necessary, proportionate and secure. Consent may not be the most appropriate lawful basis for these necessary internal uses.

5 Specific consent will be sought where images are used for training, publicity, marketing, media activity, online broadcasts or any purpose not covered by the original consent.

6 Consent records will be retained securely for as long as the relevant image is in use and in line with the setting's data retention arrangements. Any sensitive image-use concerns will be recorded separately and securely, with access limited to staff who need to know in order to safeguard the child or manage image use appropriately.

7 Consent will be requested on admission and for specific activities/events and reviewed when circumstances change. ***Parents sign a consent form in their registration pack prior to their child starting the nursery.***

8 Where consent is refused, restricted or withdrawn, the setting will update its records promptly and take reasonable steps to stop further use of the relevant images and remove them from the setting controlled platforms where practicable.

9 Where people with parental responsibility disagree about image use, or where the position is unclear, the setting will take a cautious approach and avoid using the image for the disputed purpose until the matter is resolved or appropriate advice has been sought.

Safety of images

1 Chevening School Nursery recognises that images and videos shared online may be copied, downloaded, scraped, altered, manipulated, redistributed or reused without the setting's knowledge or consent. This includes potential misuse through artificial intelligence and other digital tools.

2 Decisions about taking, storing and publishing images will be made using a safeguarding-first approach, considering whether the image is necessary, proportionate and the least identifiable option available. This may include reducing identifiable information, using images that are harder to misuse, applying privacy settings, removing metadata and embedding image security awareness within staff training and policies.

3 All official images taken or processed by or on behalf of Chevening School Nursery will be taken using school/setting-approved equipment, accounts, platforms and systems wherever possible.

4 Staff will receive information regarding safe and appropriate image use as part of induction and regular safeguarding, online safety and data protection training. This will include consent, lawful basis, storage, publication, online sharing risks, AI-enabled image manipulation, personal devices, and how to recognise and respond to concerns involving image misuse, alteration, non-consensual sharing or threats involving images.

5 Staff will:

- only take, use or publish images where there is a clear setting purpose and the relevant consent, lawful basis and safeguards have been checked.
- ensure that a senior member of staff is aware that official images are being taken and for what purpose.
- take account of the child's wishes and feelings wherever possible and appropriate, particularly where images are used for publication, publicity or wider sharing.
- avoid taking images in one-to-one situations unless there is a clear, agreed and necessary reason for doing so.
- report concerns about image use promptly in line with safeguarding, data protection, whistleblowing or other relevant procedures.

6 The Management Committee allows staff to use personal phones to communicate with parents and carers. Staff do this through the Whatsapp app. Written permission is sought from parents/carers with clear boundaries and expectations detailed and is risk assessed and managed in line with the setting's procedures to safeguard all members of the nursery community.

7 Staff will not

- take images of child(ren) for personal use.
- display, distribute or publish images unless authorised and the relevant consent or lawful basis has been checked.
- take images of child(ren) in a state of undress or semi-undress, or images which could reasonably be considered inappropriate, indecent or sexual.

- take photographic, video or audio evidence of child(ren)'s injuries, marks, bruising, disclosures or similar safeguarding concerns. Concerns must be recorded and reported in line with the setting's
- child protection policy and procedures.

8 All members of staff, including volunteers, will ensure official images are available for scrutiny and that they can justify the purpose, storage and use of any official images in their possession.

Storage, retention and review of images

1 Images will only be retained when there is a clear and agreed purpose for doing so.

2 Images will be stored securely on approved systems, with access limited to authorised staff who need to use them for a legitimate purpose.

3 Images stored on staff personal devices/messaging apps (communication with parents/carers/staff) are purged on a weekly basis.

4 Where images are temporarily stored on cameras, memory cards, portable devices or other equipment, they will be transferred to an approved secure system as soon as practicable and deleted from the original device unless there is a clear and authorised reason for temporary retention.

5 Portable storage devices will only be used where authorised and where appropriate safeguards are in place, such as encryption, password protection, logging and secure deletion.

6 Chevening School Nursery will carry out regular, documented reviews of images used on websites, social media channels, displays, newsletters, prospectuses, promotional materials, apps and other platforms. Reviews will consider whether images remain necessary, whether consent or another lawful basis still applies, whether individuals have left the setting, whether safeguarding circumstances have changed, and whether images should be removed or replaced. All staff have responsibility to let the admin know to remove unnecessary images no longer in use. This is an ongoing procedure.

7 Images will be securely deleted, destroyed or archived in line with the school/setting's retention schedule when they are no longer required.

8 The Manager, DPO and/or DSL may request access to official images and may withdraw or amend a member of staff's authorisation to take, use or share images at any time where concerns arise regarding safeguarding, professional conduct, policy compliance or data protection.

9 Any apps, websites, cloud services, learning platforms or third-party companies used to share, host, print, store or access child(ren)'s images will be risk assessed before use. Where required, a Data Protection Impact Assessment (DPIA) will be completed.

Safe Practice when taking images

1 Careful consideration will be given before involving very young child(ren), child(ren) with additional needs, or child(ren) who may be more vulnerable, particularly where they may be less able to understand or question why images are being taken.

2 Chevening School Nursery will discuss image use with child(ren) in an age-appropriate way and will support them to understand that they have a right to say no to being photographed or recorded wherever possible.

3 Photography or video recording is not permitted in sensitive areas such as toilets, changing areas, intimate care areas, sleeping areas, swimming areas or other locations where privacy and dignity may be compromised.

4 Images or videos that include child(ren) will be selected carefully and will only be used where they are appropriate for the intended purpose. For use on Social Media/Instagram: back of heads only with no front face shots.

5 Child(ren) will be appropriately dressed in any images used by the setting. Particular care will be taken when selecting images from dance, swimming/paddling pool activity in hot weather, performances, or other activities where privacy, dignity or context may be more sensitive.

6 Images taken during off-site activities, trips, residential visits or events will be managed in line with this policy. Staff will be clear about which devices may be used, how images will be stored, whether child(ren) may take their own photographs or recordings, and how images will be reviewed before any sharing takes place.

Publication and sharing of images

1 When selecting images for publication or sharing, Chevening School Nursery will consider whether the image is necessary, proportionate and appropriate for the intended purpose.

2 Where possible, the setting will use images that reduce identifiability, such as group images taken from a distance, over-the-shoulder images, images of work or activities, displays, or images where child(ren)'s faces are not clearly visible.

3 Where images are published online (Instagram & website) the setting will not use names or unnecessary identifying information. If there is a clear reason to use a child's full name alongside their image, specific consent will be sought first.

4 The setting will not include personal addresses, personal email addresses, telephone numbers or other unnecessary contact information in images, captions, videos, websites, prospectuses or other publications.

5 Where images are shared online (Instagram & website), the setting will consider whether public sharing is necessary or whether a more restricted method of sharing can be used. Where appropriate, privacy settings, closed platforms, password-protected areas or limited-

access groups will be used to reduce the visibility and onward sharing of child(ren)'s and staff images.

6 Where appropriate and proportionate, the setting will consider practical measures to reduce the risk of images being copied, altered or misused. This may include removing metadata, using lower-resolution images, applying watermarking, limiting downloads where possible, reviewing privacy or access settings, and regularly removing images that are no longer needed. These measures cannot remove all risk but may help reduce the likelihood or impact of misuse.

7 Before any image or video of child(ren) is published or shared publicly, it is checked by an appropriate member of staff to ensure it is suitable, proportionate and does not include inappropriate, sensitive or unnecessary identifying information. This should include checking that child(ren) are appropriately dressed and that consent/lawful basis has been considered. Where there is any uncertainty, the image should not be published until advice has been sought from the DSL.

Usage of Whatsapp to share images with parents

1 Staff use WhatsApp on their own personal phones, to share images and updates of their key children with their key children parents only. Consent is requested prior to the child starting at the setting.

2 The use of the system has been appropriately risk assessed and the setting has taken steps to ensure all data stored is held in accordance with GDPR and the Data Protection Act. Staff clear WhatsApp conversations from their phones weekly.

3 All users of WhatsApp are advised on safety measures to protect all members of the community, for example, using strong passwords, logging out of systems after use etc.

4 Parents/carers will be informed of the expectations regarding safe and appropriate use (For example, not sharing passwords or copying and sharing images) prior to being given access. Failure to comply with this may result in access being removed.

Use of image by parents/carers

1 Parents/carers may take photographs or video footage of their own child(ren) at school/setting events for personal and family use, unless advised otherwise by the school/setting*

**The Information Commissioner's Office explains that data protection law does not stop parents/carers taking photos or videos for their own personal or household use. However, Chevening School Nursery sets our own expectations for safeguarding, child protection, privacy or health and safety reasons.*

2 Parents/carers are expected to follow any instructions given by staff before, during or after an event regarding photography or filming. The setting may restrict or refuse photography or

filming where this is necessary for safeguarding, privacy, dignity, health and safety or operational reasons.

3 Where photographs or videos also include other child(ren), staff, families or visitors, parents/carers are expected not to share these images publicly or upload them to open social media.

4 Parents/carers are not permitted to take photographs or video recordings in sensitive areas of the setting including toilets, changing areas, intimate care areas, swimming areas, sleeping areas or any other area where privacy and dignity may be compromised.

5 Parents/carers are asked not to copy, download, screenshot, redistribute or publicly share images taken or provided by the setting unless permission has been given. This includes images shared through websites, social media, newsletters or learning journals.

6 Parents/carers who attend activities, trips or events in an official or volunteer capacity are expected to follow the setting's safeguarding, confidentiality, image use, acceptable use and data protection procedures. This does not prevent parents/carers from taking photographs or videos of their own child(ren) for personal and family use where this is permitted by the setting. Parents/carers and volunteers should not take photographs or recordings on behalf of the setting, or of other child(ren) in their volunteer capacity, using personal devices.

7 Any concerns about photography, filming or the sharing of images should be reported to the DSL, DPO, manager or another relevant senior leader.

Use of images by children

1 Chevening School Nursery will discuss and agree age-appropriate acceptable use rules with child(ren) regarding the use of cameras and devices, including where and when images may be taken. This will include places children cannot take cameras, for example unsupervised areas, toilets etc. ***Children have supervised access to child appropriate 'Vtech' digital cameras only.***

2 Child(ren) will be taught, in an age-appropriate way, to ask permission before taking images of others and to understand that everyone has the right to say no to being photographed or recorded.

3 Child(ren) will not be permitted to use Vtech digital cameras in sensitive areas such as toilets, changing areas, sleeping areas, swimming areas or other spaces where privacy and dignity may be compromised.

4 Staff will ensure child(ren) are appropriately supervised when taking images for official or curriculum use.

5 Images taken by child(ren) for official setting use will be treated as setting-controlled image use and will be managed in line with this policy.

6 Parents/carers will be informed where child(ren) may take images of other child(ren) as part of setting-led learning activities, and how these images will be managed.

7 Images taken by child(ren) for official or curriculum use will be checked before being displayed, shared with parents/carers, uploaded to online systems or shown on digital screens.

8 Images are regularly deleted from the cameras. They are not stored on other devices or printed.

Use of images of children by the media/press

1 Where press or media attendance is planned, the setting will consider carefully how access will be managed before any photography, filming or interviews take place.

2 Images taken by the press or media may be published more widely than setting-controlled images, including online, in print and through social media channels. Once published, the setting may have limited control over how images are shared, copied or reused.

3 Appropriate consent will be obtained before child(ren) are photographed, filmed or interviewed by the press or media. Where a parent/carer does not give consent, or where a child does not wish to be involved, this will be respected.

4 Particular care will be taken where child(ren), families or staff may be more vulnerable if identified, including child(ren) in care, adopted child(ren), child(ren) subject to safeguarding plans or court orders, or families affected by domestic abuse, stalking, harassment or other safety concerns.

5 Press and media organisations may process personal information for journalistic purposes, and data protection law includes exemptions in some circumstances for journalism. However, this does not remove the setting's responsibility to manage access to child(ren) safely, check consent, consider safeguarding risks and communicate clearly with families.

6 Where press or media attendance is planned, the setting will agree expectations in advance. This may include confirming who will attend, checking identification on arrival, agreeing which child(ren) may be photographed or interviewed, limiting detailed captions, avoiding full names where possible, and ensuring staff are available to supervise media activity.

7 The identity of any press representative will be verified on arrival. Access will only be permitted where the event is planned and where press or media representatives have been specifically invited to attend.

8 Unscheduled press or media visits will not be authorised without approval from the manager or other designated senior leader.

Use of external photographers, **including videographers and volunteers**

1 External photographers engaged to record events or take images on behalf of Chevening School Nursery must agree to work in line with the setting's safeguarding, image use, confidentiality and data protection expectations.

2 Where an external photographer processes images on behalf of the setting, the setting will usually remain responsible for deciding why and how images are used. In these circumstances, the photographer or videographer is likely to be acting as a data processor, and a written contract/agreement will be in place, so both parties understand their responsibilities and liabilities. The agreement will make clear the purpose of the photography /filming, what images may be taken, how they will be stored, who may access them, how long they will be retained and how they will be securely deleted or returned to the setting.

3 Images taken by external photographers must not be used for any other purpose, shared with third parties, uploaded to personal or unauthorised platforms, or used in the photographer's own publicity unless this has been specifically agreed and appropriate consent is in place.

4 The setting will satisfy itself that any external photographer can handle images safely and securely, including in relation to confidentiality, secure storage, transfer of images, deletion arrangements, use of assistants/sub-contractors and any online galleries or ordering systems.

5 External photographers will not have unsupervised access to child(ren).

6 Staff, parents/carers or volunteers taking photographs or videos on behalf of the setting will be treated as acting in an official capacity and must follow the setting's safeguarding, confidentiality, image use and data protection expectations. In these cases, official images will be taken, stored and transferred using the setting's approved equipment, accounts and systems.

Policy breaches and concerns

1 Members of the nursery community should report concerns about image use or breaches of this policy in line with existing procedures. This may include reporting to the manager, DSL, DPO or Chair of the Management Committee, and following child protection, data protection, behaviour, complaints, whistleblowing or other relevant procedures.

2 If Chevening School Nursery becomes aware that an image or video of a child or member of staff has been misused, altered, shared without consent, used in a threat, or used in a way that raises concern, this will be treated as a safeguarding and/or data protection concern and/or criminal offence as appropriate.

3 The setting will prioritise the safety, dignity and emotional wellbeing of any child or adult affected.

4 Staff will report any concerns immediately to the DSL, DPO and/or senior leadership team, in line with child protection, data protection, behaviour, whistleblowing and complaints procedures as appropriate.

5 The setting will record the concern and consider whether a safeguarding issue, criminal offence and/or personal data breach has occurred.

6 The setting will seek appropriate advice and make referrals or reports to relevant agencies where required. This may include children's social care, the police, the Local Authority Designated Officer (LADO), the ICO or other commissioned legal/data protection advisers.

7 Staff should not copy, forward, screenshot, download, save, print, further share or delete relevant content unless advised to do so by an appropriate safeguarding, police or data protection professional. Where evidence needs to be preserved, this should be done securely, proportionately and only by authorised staff.

8 Where threats, blackmail, extortion or suspected criminal activity are involved, the setting will seek urgent police and safeguarding advice and will not engage with demands made by individuals attempting to exploit or threaten the nursery community.

9 The setting will consider immediate steps to reduce further access to relevant images. This may include removing images from setting-controlled platforms, requesting removal from websites or social media services, restricting access, reviewing whether a data breach assessment is required, and identifying what support is needed for affected child(ren), families and staff.

10 Following any breach or concern, leadership staff will review what happened, support affected individuals and consider whether changes are needed to policy, consent processes, staff training, image storage, website/social media use, platform controls or wider safeguarding practice.

11 Action will be taken in line with existing policies and procedures, which may include child protection, anti-bullying, mobile and smart technology, acceptable use, behaviour, staff conduct, allegations, low-level concerns, whistleblowing, complaints and disciplinary policies.