

# Photography and Video Policy

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## 1. PURPOSE AND BACKGROUND

- (1) To set out guidelines for the safe and appropriate use of photography and video
- (2) It aims to protect the safety, privacy, and rights of all children, families and staff members
- (3) This policy helps us to comply with the *Education and Care Services National Regulations*, which requires our service to have policies and procedures in place for providing a child safe environment, including matters relating to the safe use of online environments
- (4) It complies with the *Privacy Act 1988 (Cth)*, and aligns with the National Model Code for Taking Images or Videos of Children while Providing Early Childhood Education and Care (National Model Code), the ECEC Code of Ethics, and the Victorian Child Safe Standards

## 2. SCOPE

- (5) This policy applies to:
  - a. The approved provider, paid workers, volunteers and work placement students, **referred to as 'staff' throughout this policy**
  - b. Third parties who carry out child-related work at our service, including contractors, subcontractors, self-employed persons, employees of a labour hire company, **referred to as 'staff' throughout this policy**
  - c. Children who are in our care, their parents, families and care providers
  - d. Visitors to our service who carry out child-related work, including allied health support workers, professional photographers
- (6) It covers all activities carried out at or by our service that involve photographing or videoing children, including at special events, excursions, travel and transport

## 3. DEFINITIONS

- (7) The following definitions apply to this policy and related procedures:
  - a. **'Photo/Photograph/Video'** means any visual recording of children, either still or moving

- b. **'Audio'** means a sound recording of children, including voices and other sounds made by children
- c. **'Consent'** refers to the voluntary and informed agreement to allow something to happen or someone else to do something
- d. **'Service-issued devices'** are devices provided by our service for professional use, including phones, tablets, cameras, and computers
- e. **'Personal devices'** are privately owned devices (such as smartphones, tablets, laptops, voice recorders, cameras, and smartwatches) capable of accessing the internet or capturing images, audio and videos
- f. **'Parents'** includes guardians and persons who have parental responsibilities for the child under a decision or order of court
- g. **'Staff'** refers to paid workers, volunteers, students, and third parties who are covered in the scope of this policy. Note: 'staff', 'employees' and 'workers' etc may have their own, different definitions in legislation covered in this policy

## 4. POLICY STATEMENT

### Child safe environment

- (8) Our practices align with the National Model Code, which sets out how to implement child safe practices for electronic device use in education and care services
- (9) When we are photographing or videoing children, our number one priority is the safety, dignity, and rights of the child. We avoid any action that might cause harm or discomfort
- (10) We always get the informed consent of parents before we photograph or video their child. We involve children in giving their consent when appropriate, and respect their right to decline
- (11) We support staff to ensure their use of photography/video is purposeful, supports quality educational practice, and does not interfere with active supervision or child-educator engagement
- (12) We support staff to maintain a culture of child safety, and encourage them to speak up if they see personal or service-issued devices being used inappropriately
- (13) We store photographs and videos of children on secure platforms and take steps to ensure access to them is restricted

### Consent

#### Parental consent

- (14) We discuss this policy with parents at the time of their child's enrolment
- (15) We get written consent from parents to take, use and share photographs or videos of their child
- (16) Our consent form is specific. We state why the photos or videos are being taken, how they will be used, stored, and shared, and who is authorised to take them

- (17) Parents may choose not to consent to their child being photographed or videoed in any circumstances, or they may choose to give consent for a limited number of situations
- (18) We notify parents in advance of any school photographers, researchers and students on practicum placements who intend to take photographs/videos of their children, and give parents the opportunity to withdraw their consent
- (19) We only engage professional photographers who agree to follow this [Photography and Video Policy](#)

#### **Not giving/withdrawing consent**

- (20) Parents may withdraw consent at any time by notifying the nominated supervisor in writing
- (21) We maintain a list of children whose parents have withheld consent or given limited consent. Staff are responsible for checking the list and, where applicable:
  - Not photographing or videoing these children, and ensuring they are removed from any group photos/videos situations; or
  - Only using and sharing photographs/videos of these children according to their parents' consent

#### **Purpose and use**

##### **Education, development, communication and promotional use**

- (22) Photographs and videos of a child are only taken and used with parental consent and if they are directly relevant to a child's involvement in our service's activities, including to:
  - Document and support children's learning and development
  - Engage families by sharing children's progress and daily activities
  - Communicate events/activities and share relevant information with families and communities
  - Promote/market the service
  - Support educational research and professional development
- (23) Photographs and videos are only used for the purposes we set out in our consent form. Any additional use requires further written consent from parents
- (24) Note, our service may need to take photos, videos or audio recordings of a child for their safety or wellbeing, e.g., to document injuries or if we are instructed to do so by the police/child protection authority. If the relevant authority allows, the child's parents have the right to access them

#### **Accessing and sharing photographs and videos**

- (25) Only staff who have a clear need to do so as part of their job, and who are authorised by the approved provider/nominated supervisor, can access, use or share the photos/videos we take of children at our service

- (26) Photos and videos must only be shared in line with the conditions set out in our consent form. They must not be accessed or shared beyond their intended purpose or context
- (27) We will only share a child's photos or videos publicly - e.g. on social media, on our website, in newsletters, by email, brochures, on digital learning apps – if we have written parental consent
- (28) We will only use children's photos to market or publicise our service, or to support any research projects or study placements, if we have written parental consent
- (29) Staff must also comply with our Social Media Policy if they are posting photographs or videos on social media platforms
- (30) Photographs/videos used publicly will refer to the child by their first name and surname initial unless parents have authorised the use of the child's full name
- (31) Staff must never download photographs or videos of a child at our service to a personal device or take steps that would allow them to access this type of content from their own personal device
- (32) Note, in some situations, such as where a child is at risk of harm, we may be legally obliged to share photos or videos with the police or another authority

### The use of devices

- (33) Staff (including students and volunteers) **must only use service-issued devices to take photographs, videos or audio recordings of children in our care**
- (34) Staff (including students and volunteers) **must not use personal devices (such as cameras, smartphones, tablets, and smartwatches) to take photographs, videos or record audio of children in our care**
- (35) Staff must not use devices to take photos or videos if doing so jeopardising their capacity to supervise, interact or engage with children
- (36) Service-issued devices are stored securely when they are not in use. Staff are not allowed to take them home
- (37) The nominated supervisor is responsible for overseeing the day-to-day use of service-issued devices, and ensuring that photographs and recordings of children are securely managed and stored, including checking authorisations for use remain up-to-date
- (38) If a personal device is used in an emergency, any images or videos must be transferred as soon as practicable to a service-issued device or platform, and the content must be deleted from the personal device
- (39) Staff must report any accidental or necessary use of a personal device for photography or recording to the nominated supervisor immediately
- (40) Taking an unauthorised photograph or video with a personal device of a child in our care is considered a serious breach of this policy and may result in disciplinary action

### Inappropriate photography and videos

- (41) Any photographs or videos with inappropriate content is strictly prohibited
- (42) Inappropriate content includes any depictions of a child that be considered exploitative, intrusive, or harmful – for example, where a child is undressed, in distress, in a state of dysregulation or depicted in a manner that could be considered sexualised or exploitative

- (43) Any staff member who captures or shares inappropriate content will be reported to the relevant authority, following our Child Protection Policy
- (44) Photography and videos are not permitted of children engaged in private activities or in areas we designate as 'no photography' zones, including bathrooms, and areas where there is not a clear line of sight by other staff members
- (45) Staff must make sure that children are clothed and positioned appropriately before they take their photo or video
- (46) Images and videos must be used in a way that is dignified and respectful, and not in a way that is discriminatory, stereotyping or biased

### **Guidelines for parents and families**

- (47) Parents and families can take photos and videos of their child at our service, but should not take photos or videos of anyone else's child unless they have the consent of the child's parents
- (48) Parents and families should not share any photos or videos that include identifiable characteristics of other children, staff, visitors or families without getting the relevant consent first. This includes sharing images on social media, websites, or any other platform
- (49) For special events that are open to families and the community (e.g., concerts), the nominated supervisor may ask parents before the event whether object to their child being included in other families' photos or videos
- (50) Note, our service does not take responsibility for the sharing or use of photos or videos that are taken by people other than staff members and other service-authorised photographers

### **Privacy and security**

#### **Storage and access**

- (51) Digital photos and videos of children are stored on secure platforms and/or digital devices that are and password protected
- (52) Printed, hard copy photos of children are stored securely, away from public access
- (53) Access to stored photos and videos is limited to authorised staff members only
- (54) We regularly update our systems to ensure they remain secure and protected from unauthorised access
- (55) Staff are not allowed to transfer photographs and recordings to personal devices or unauthorised platforms
- (56) Any sharing of photographs and recordings outside our service is done securely and only with written authorisation from the child's parents
- (57) Staff are trained to follow our privacy and security protocols
- (58) The approved provider is responsible for the oversight and control of who has access to photos and videos at our service (see our Technology and Device Use for information on how technology use is monitored and managed)

#### **Retention and destruction**

- (59) Photos and videos are only kept for as long as necessary to fulfil their intended purpose, unless we need to keep them longer for legal or regulatory reasons
- (60) We may keep photos and videos that have historical value indefinitely
- (61) Photos or videos that relate to a child protection matter will be managed according to our Child Protection Policy
- (62) When they are no longer needed, photos and videos are securely deleted or destroyed to ensure they cannot be accessed or recovered (e.g., digital photos and videos are either overwritten by data wiping software or we physically destroy storage devices; physical photos are shredded)
- (63) We will agree to requests to delete/destroy images and videos where it is appropriate and lawful to do so

### **Breaches and complaints**

- (64) Anyone can raise concerns or complaints regarding the handling of photographs, videos, or devices, according to our Complaint Handling Policy
- (65) Staff must follow our Child Protection Policy and Procedures if they have concerns for a child's safety or well-being
- (66) Any breaches of this policy, including the improper use of devices, or unauthorised use of photos or videos, are treated seriously
- (67) Depending on the nature of the breach, staff members may be subject to disciplinary action, referred to the police/child protection authority, and/or have their employment terminated

## **5. PRINCIPLES**

- (68) All practices related to photography/video are conducted with children's safety, wellbeing, privacy and dignity as our number one priority
- (69) We only capture, use, share and store photos/videos according to their intended purpose and with the written consent of parents
- (70) We store photos/videos securely and have systems that prevent them from being accessed or shared improperly, or without authorisation. We only retain photos/videos for as long as is necessary and we destroy/delete them securely
- (71) We comply with all relevant legislation, regulations and standards at all times
- (72) We act in line with our *Statement of Commitment to Child Safety and Wellbeing*, Child Safe Code of Conduct, National Model Code and the ECEC Code of Ethics
- (73) We treat all individuals in photographs/videos with dignity and respect, and recognise that there are cultural differences and sensitivities related to photography
- (74) We give staff the training, resources and support that they need to implement this policy

## **6. POLICY COMMUNICATION, TRAINING AND MONITORING**

- (75) This policy and related documents can be found on our website and in our front office.

- (76) The approved provider and nominated supervisor provide information, training and other resources and support regarding the Photography and Video Policy and related documents
- (77) All staff (including volunteers and students) are formally inducted. They are given access to review, understand and formally acknowledge this Photography and Video Policy and related documents
- (78) The Nominated supervisor runs a professional development program for each staff member, which covers this policy
- (79) Roles and responsibilities are clearly defined in this policy and in individual position descriptions. They are communicated during staff inductions and in ongoing training
- (80) The approved provider and nominated supervisor monitor and audit staff practices through supervision and regular performance appraisal and address non-compliance. Breaches to this policy are taken seriously and may result in disciplinary action against a staff member
- (81) At enrolment, families are given access to our Photography and Video Policy and related documents
- (82) Families are notified in line with our obligations under the *National Regulations* when changes are made to our policies and procedures

## 7. ROLES AND RESPONSIBILITIES

### Approved provider responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law* and *Regulations*, including to take every reasonable precaution to protect children from harm and hazards likely to cause injury and ensure that children in our care are adequately supervised at all times

Ensure that our service's governance, management, operations, policies, plans, (including risk management/action plans), systems, practices and procedures for photography and videos are appropriate in practice, best practice, align with the principles/standards for child safe organisations and comply with all relevant legislation

Ensure this Photography and Video Policy is in place and take reasonable steps to ensure that is followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)

Ensure that staff's use of devices is being monitored and that unauthorised personal devices are not being used for photographing or videoing children

Ensure that parents are giving informed consent and that photos/videos are only being used by staff for their intended purpose

Ensure our systems are secure and kept-up-to date, and that photos/videos are stored in a way that protects them from misuse, interference and loss, and from unauthorised access, modification or disclosure. Take reasonable steps to destroy or de-identify photos/videos when we no longer need them for purpose they were collected

Ensure this policy and related documents are reviewed regularly, and notify families of reviews and changes according to legislation and our policies and procedures

### Nominated supervisor / persons in day-to-day charge responsibilities (not limited to)



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Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations*, including to take every reasonable precaution to protect children from harm and hazards likely to cause injury and ensure that children in our care are adequately supervised at all times

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Ensure that our service's governance, management, operations, policies, plans, (including risk management/action plans), systems, practices and procedures for photography and videos are appropriate in practice, best practice, align with the principles/standards for child safe organisations and comply with all relevant legislation

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Implement this Photography and Video Policy and support the approved provider to ensure that is followed by staff and families (e.g. through clear and accessible communication, and systemised enrolments/orientations, inductions, training and monitoring of all staff – including volunteers, students)

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Authorise staff device use and who can take, access and use photos and videos of children. Oversee the day-to-day monitoring of device use, ensuring that only service-issued devices are being used to photograph or video children

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Ensure that parents are giving informed consent, including by discussing this policy at the time a child is enrolled. Ensure that all consent forms are completed, stored securely and regularly reviewed. Maintain a list of children whose parents have not provided consent or who have provided limited consent, and make sure that educators have access to this list

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Notify parents in advance if any professional photographers, researchers, students or anyone else outside to our service will be taking and storing photos/videos

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Ensure that photos/videos are only being taken, used and shared according to their purpose. Get additional written consent for anything that is not covered in the consent form

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Support the approved provider to keep our IT systems secure and up-to-date. Store photos/videos in a way that protects them from misuse, interference and loss, and from unauthorised access, modification or disclosure. Take reasonable steps to destroy or de-identify photos/videos when we no longer need them

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Support the approved provider to regularly review this policy and related documents, and to notify families of reviews and changes according to legislation and our policies and procedures

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#### **Educator / other staff responsibilities (not limited to)**

Follow this Photography and Video Policy and other related policies and procedures

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Only use service-issued devices (not personal devices) to take photographs or videos of children

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Ensure that children who do not have parental consent are excluded from any individual or group photos/videos

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Only share photos/videos taken by our service (including online, on social media, on digital learning apps, or directly with families) if you have been authorised to do so by the nominated supervisor. Only share photos/videos according to the specific written consent we have been granted by children's parents. Always make sure you have consent from other staff members, families or visitors before sharing any photos/videos of them

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Ensure that all photos/videos are appropriate and maintain the privacy and dignity of the children, staff members, families and visitors at our services

Report any breaches or concerns regarding photography/videos/devices to the nominated supervisor. Follow our [Child Protection Policy](#) if there are any concerns about harm or risk of harm to a child and report to the relevant authority in line with our procedures and obligations

Contribute to policy and procedure reviews, risk assessments and plans

#### **Families responsibilities (not limited to)**

Follow the relevant sections of our [Photography and Video Policy](#)

Complete our photography and video consent form at the time of your child's enrolment and keep it updated if anything changes

You need consent to take and use photos/videos of other people at the service, including children and families other than your own, staff members and visitors. If you don't have the consent of a child's parents, or the consent of an adult, only photograph/video your own child at our service

Refrain from sharing photos/videos (e.g., on social media) if they include identifiable characteristics of another child or adult at our service, unless you have the relevant consent

Notify our service in writing if you wish to withdraw consent for photographing/videoing your child

Raise any concerns or complaints regarding photography/videos/devices according to our [Complaint Handling Policy and Procedure](#)

## **8. LEGISLATION (OVERVIEW)**

### **Education and Care Services National Law and Regulations**

Law	Description
s 165	Offence to inadequately supervise children
s 167	Offence relating to protection of children from harm and hazards
Regulations	
s 73	Educational program
s 74	Documenting of child assessments or evaluations for delivery of educational program
s 168(2)(h)	Education and care services must have policies and procedures in relation to providing a child-safe environment
s 170	Policies and procedures to be followed

s 171	Policies and procedures to be kept available
s 177(1)(a)	Prescribed enrolment and other documents to be kept by approved provider
ss 181,183 - 184	Confidentiality and storage of records

### Other applicable laws and regulations

Act/ Regulation	Description
<i>Australian Human Rights Commission Act 1986 (Cth)</i>	Provides guidance on how to uphold the principles in the <u>Convention on the Rights of the Child</u>
<i>Privacy Act 1988</i>	Principal act protecting the handling of personal information, including photos and videos

### National Quality Standard

Standard	Concept	Description
1.3	Assessment and planning	Educators and co-ordinators take a planned and reflective approach to implementing the program for each child
1.3.1	Assessment and planning cycle	Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analysing learning, documentation, planning, implementation and reflection
1.3.3	Information for families	Families are informed about the program and their child's progress
2.2	Safety	Each child is protected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazards
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships
5.1	Relationships between educators and children	Respectful and equitable relationships are maintained with each child
5.1.2	Dignity and rights of the child	The dignity and rights of every child is maintained

Standard	Concept	Description
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing
7.1	Governance	Governance supports the operation of a quality service
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service

### My Time, Our Place (MTOP) V2.0

MTOP Outcome	Key component
3: CHILDREN AND YOUNG PEOPLE HAVE A STRONG SENSE OF WELLBEING	<ul style="list-style-type: none"> <li>Children and young people become strong in their social, emotional and mental wellbeing</li> <li>Children and young people become strong in their physical learning and wellbeing</li> <li>Children and young people are aware of and develop strategies to support their own mental and physical health, and personal safety</li> </ul>

### National Principles for Child Safe Organisations

#### Most relevant principles

Child safety and wellbeing is embedded in organisational leadership, governance and culture.

Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

Families and communities are informed and involved in promoting child safety and wellbeing.

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

## 9. RELATED DOCUMENTS

Key Policies	Child Protection Policy   Child Safe Code of Conduct   Child Safe Risk Management Plan   Complaint Handling Policy   ECEC Code of Ethics   Social Media Policy   Technology and Device Use Policy   Relationships with Children Policy   Orientation for Children Policy   Parental Interaction and Involvement Policy   Governance Policy   Privacy and Confidentiality Policy   Enrolment Policy   CCTV Policy
Procedures	Child Safe Environment Procedures (in Child Safe Environment Policy)   Child Protection Procedures (in Child Protection Policy)   Complaint Handling Procedures (in Complaint Handling Policy)
Tools	Photography and Video Consent Form template (attached at Appendix A) <u>Active Supervision Guidelines (ACECQA)</u> [Centre Support resources available on Karla Resources at <a href="https://centresupport.com.au">centresupport.com.au</a> ]

## 10. POLICY INFORMATION

Approval date	4/9/24
Effective date	4/9/24
Review date	4/9/25
Approved by	Dina Kahn

## APPENDIX A

### TEMPLATE – Photography and video consent form

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I consent to the following my child being photographed/videoed by Chabad Youth for the following purposes:

*(Please tick which points you give consent for)*

- ☐ **To document and support learning**, including evidence of learning, individualised planning, sharing with parents, reflecting on programs and practices, training, curriculum planning, documenting achievements, demonstrating regulatory compliance. Photos/videos stay within the service's community.
- ☐ **To communicate with families** about the service, events, activities or other relevant information (but not for marketing purposes). Photos/videos are shared publicly
- ☐ **For external marketing/promotion** of the service, including with third party marketing/promotional platforms/agencies in <public advertisements, print and online media, brochures, newsletters, social media, on our website.
- ☐ **Professional photography/videos**, including group/class photos and special events
- ☐ **To support research projects or student practicum placements**, to be used in academic/research settings, including print and online journals, conferences, assignments, presentations

I understand that:

- I can withdraw my consent at any time by advising the nominated supervisor in writing
- Chabad Youth owns copyright of the photographs/videos it captures. This means that it can use the photos/videos in the way specified in this form without notifying, acknowledging or compensating you or your child
- Except in the case of external photographers, students or researchers, photos/videos will be taken and used by authorised staff only
- My child will be identified by their first name and surname initial only in photos/videos
- Photographs/videos will be handled according to the relevant privacy laws
- Photographs/videos will be stored securely, and access will be restricted to authorised staff only
- Photos/videos will be retained only for as long as they are needed for their intended purpose, after which they will be destroyed/deleted in a secure manner
- I need consent to take and use photos/videos of other people at the service, including children and families other than my own, staff members and visitors. If I don't have the consent of a child's parents, or the consent of an adult, I will only photograph/video my own child at our service
- I cannot share photos/videos (e.g., on social media) if the photo/video also includes identifiable characteristics of another child or adult at the service, unless I have the relevant consent
- Chabad Youth does not accept responsibility for the distribution or use of any photograph/video taken by any person who is not a staff member, volunteer, student, or a third-party who we have engaged to carry out childcare related work



<b>Child's full name:</b>	
<b>Parent 1 Name:</b>	<b>Parent 2 Name:</b>
<b>Parent 1 Signature:</b>	<b>Parent 2 Signature:</b>
<b>Date:</b>	<b>Date:</b>