

Brimbank Preschool Association Inc. (T/A BPA Children's Services)
Taking Images or Videos of Children While Providing Early Childhood Education and Care



STANDARD OPERATING PROCEDURES under Child Safe Environment and Wellbeing Policy

Owner: GM, Legal, Risk & Compliance
Date published: September 2025
Review date: September 2027
Version control: 1.0

PURPOSE AND SCOPE

This procedure guides the practice of all BPA educators, staff and families and other third parties in complying with the *National Model Code for Taking Images or Videos of Children While Providing Early Childhood Education and Care* (National Model Code). It provides guidance in implementing child safe practices regarding the use of electronic devices for taking images or videos of children while providing education and care.

Under this procedure, Educators must:

- Know what restrictions in the National Model Code are and following this procedure at their service;
- Not carry or use own Personal Device (like phones, tablets or USBs) that take or store photos or videos when working directly with children, unless it's for an essential purpose and approved in writing;
- Only use service-issued devices to make images or videos of children;
- Follow strict rules for how photos and videos of children are used and stored and how long they are kept; and
- Manage use of Personal Devices at the centre by parents, contractors and other third parties.

DEFINITIONS

For this procedure, the following are defined:

Educators include the Nominated Supervisor, early childhood teachers, educators, students, volunteers and any BPA staff visiting a centre.

Nominated Supervisor is the appointed person for a BPA centre in accordance with the *Education and Care Services National Law*.

Personal Device means:

- any device that can take images or videos, such as mobile phones, digital cameras, tablets, smart watches and other new and emerging technologies, where those technologies have image taking or video recording capability; or
- any personal storage media devices, such as an SD card, USB drive, hard drive or use of cloud-based application which can store images or video recordings.

PROCEDURES FOR BPA STAFF

A. Understanding of the National Model Code

Educators must know the restrictions in the National Model Code and how they are implemented in BPA policies and procedures.

This procedure should be reviewed by Educators for their understanding at least annually.

STANDARD OPERATING PROCEDURES under Child Safe Environment and Wellbeing Policy

B. Restriction to using or carrying of Personal Devices

Educators are not permitted to carry Personal Devices at the centre. They must store Personal Devices in their secure locker at the beginning of each shift. They are permitted to access their Personal Devices during their breaks without children present and when they are not providing education and care or working directly with children (for example, when in the staff room or outside the centre).

Essential purpose exception

Educators should inform their families and friends, and their children's schools or child care providers, of the centre's contact details for personal emergencies.

Educators must obtain a written exemption from their Nominated Supervisor to carry their Personal Device while children are present for an "essential purpose". An essential purpose includes:

- a personal health requirement – for example, for blood sugar monitoring;
- disability – for example, if a personal electronic device is used as an essential means of communication;
- family necessity – for example, having a family member with a serious illness; or
- a local emergency or technical outage – for example, anticipating a bushfire evacuation text notification.

In cases of exemption, and with the employee's consent, the Nominated Supervisor should notify other staff about arrangements for the Personal Device. The reason for the exemption does not need to be shared. Educators with an exemption to carry their Personal Device must not use them to take images or videos of children. Exemptions are reviewed by the Nominated Supervisor at least annually and are saved in respective employment files.

Emergencies

Educators are permitted to use their Personal Devices during an emergency to communicate with emergency services. This includes situations involving a lost child, an injured staff member or child, or a lockdown or evacuation (see the *Emergency and Evacuation Policy*).

Excursions

Educators are required to bring their BPA-issued mobile phone on excursions to ensure they can be contacted (see the *Excursions and Service Events Policy*). Where groups may become separated, it is reasonable for educators to carry their Personal Devices for emergency communication purposes only.

C. Use of service-issued devices to take images or videos of children

BPA believes that safe technology use has a place in children's learning. Technology can make learning more interactive and engaging for children and support in the process of interest-based learning by providing powerful research tools. Moreover, images and videos can be used by educators to capture evidence of learning that may be shared with families and allow children to re-visit their learning (see the *Educational Program Policy*).

BPA centres have a limited number of authorised electronic devices (including laptops and iPads). These are used for reporting, programming and capturing images for the educational

STANDARD OPERATING PROCEDURES under Child Safe Environment and Wellbeing Policy

program. All BPA-issued devices must be secured and locked at the end of each day and remain at the premises.

Educators must only use service-issued devices to take, transfer or send images or videos of children. Educators must only use BPA-issued devices or platforms (such as Storypark) to send or publish images or videos to families and carers.

In limited circumstances, educators may need to take images or videos to support a medical report or some other notification/reporting (ie mandatory reporting). These images or videos should be saved according to regulatory requirements.

Educators must collect a photograph of each child upon enrolment and annually following for safety and identification purposes.

All images and videos of children are deleted annually, at the end of the year, unless set out otherwise (ie See Data Retention & Archiving Standard Operating Procedure and Child Safe Environment and Wellbeing Policy)

Usage of BPA-issued devices will be monitored and reviewed by the Nominated Supervisor with support from an Early Years Advisor.

D. Inappropriate images or videos

Inappropriate images or videos are any that that are not directly relevant to the child's participation in the activities of the approved provider. Examples of inappropriate (and potentially illegal) images or videos include where a child is:

- Not appropriately dressed, for example, in their underwear, in a state of undress, completely undressed or with their genitalia exposed
- In a position that could be perceived as sexualised in nature
- In a distress or anxious/experiencing or demonstrating distress or dysregulation.

E. Inappropriate sharing of images or videos

It is inappropriate for an image or video of a child to be shared to platforms beyond the intended educational purpose of the image or video. Any image or video recording of a child can be come inappropriate if shared in the wrong context or for an unintended purpose This includes if an individual transfers images to their own account or device either directly or via the cloud, for example, to post images or videos on social media or other applications/software platforms that were not its intended purpose.

F. Public use of images

BPA may engage a professional photographer to capture images or videos featuring children at the centre. These images may be used on BPA public platforms, including social media, websites and email communications.

Families will be informed in advance, and a parent or carer will need to provide written consent for their child's image to be included and published.

Occasions when a professional photographer may be engaged include:

- to take child portraits and class photographs
- for special events – for example, centre-based special events
- for public content – for example, to use in social media, such as on the BPA website.

STANDARD OPERATING PROCEDURES under Child Safe Environment and Wellbeing Policy

BPA will consider privacy implications and implement strategies to limit the inclusion of children in these images.

PROCEDURES FOR PARENTS AND CARERS

Parents and carers are responsible for:

- ensuring they do not take any images or videos of children, including their own child or children, during the educational program or at a special event; BPA will take images or videos at special events and make them available to parents and carers;
- ensuring they do not upload any images or videos taken by BPA to social media;
- providing or denying consent when BPA wishes to engage a professional photographer and/or publish images, videos or recordings that include their child;
- providing or denying consent for their child to be photographed by an external organisation at a special event;
- providing consent for a support worker to photograph or record their child, if relevant; and
- communicating to staff if their child needs to use Personal Device – especially if their child has additional needs.

RESPONSIBILITIES

All Educators at the centre

All Educators are responsible for:

- ensuring that all Personal Devices are securely stored in staff lockers throughout the day (excluding during break times);
- ensuring that staff, families, visitors do not collect or publish images or film children at a BPA centre;
- ensuring they do not take images or videos of children with their electronic device if they have an authorised exemption allowing them to carry their Personal Device;
- notifying the Nominated supervisor immediately if they observe any inappropriate use of personal or BPA-issued electronic devices at the centre;
- notifying the Early Years Advisor immediately if they see the Nominated Supervisor inappropriately using personal or BPA-issued electronic devices within the centre; and
- informing all relevant parties (such as their family and friends and their children's school or childcare centre) how to contact them through the centre phone in case of an emergency.

Educators

Educators are responsible for:

- ensuring that all images or videos captured are directly relevant to the educational program; and

STANDARD OPERATING PROCEDURES under Child Safe Environment and Wellbeing Policy

- ensuring that the use of BPA-issued electronic devices to document the education program does not impact the safe and effective supervision of children (see the *Supervision of Children Policy*).

Nominated Supervisor

The Nominated Supervisor is responsible for:

- ensuring that all staff, families, contractors, volunteers and students have access to this policy and have read and understood it;
- ensuring that staff, families, visitors and other third parties do not collect or publish images and/or film children at a BPA centre (except for educators collecting educational program images or as otherwise authorised by BPA);
- ensuring staff are aware that they must report any inappropriate use of personal or BPA-issued electronic devices immediately and directly to them;
- considering any exemption requests from staff for the use of Personal Devices, and documenting any alternative arrangements in writing;
- notifying other staff if any team members have an exemption for their Personal Device;
- reviewing any exemptions for the use of Personal Devices every 6 months; and
- considering any requests relating to the use of Personal Devices from families of children with additional needs;
- regularly monitoring the use of BPA-issued electronic devices at the centre, including images captured;
- ensuring proper storage of BPA-issued devices at the end of each day;
- ensuring all images and videos of children are deleted annually at end of term 4 (except where retention rules apply – for example, see SOP Data Retention and Archiving);
- notifying families of when images, videos or other recordings of children are to be taken and how they will be stored and used; and
- offering families the option to consent for their child to be photographed or filmed in certain circumstances.

Executive Team

The Executive Team is responsible for:

- ensuring that BPA policies on the use of electronic devices are clear and consistent;
- ensuring that BPA policies and procedures comply with the *Privacy Policy*;
- ensuring that when engaging a professional photographer, appropriate clauses relating to information-handling are included in the agreement or contract between the photographer and centre;
- obtaining written permission from parents and carers before images, videos or other recordings of children at the centre are taken and/or made publicly available; and
- regularly reviewing and updating this policy in line with the National Model Code.

STANDARD OPERATING PROCEDURES under Child Safe Environment and Wellbeing Policy

Breach of this procedure

An alleged breach of this procedure would be determined as a possible breach of the BPA Code of Conduct and under any other applicable terms and conditions relating to employment, enrolment or contract.

When restrictions do not apply

The restrictions on the possession of Personal Devices do not apply to people who are not working directly with children.

Examples include:

- parents and carers doing drop-off or pick-up;
- Victorian Regulatory Authority Authorised Officers, police and officers of other regulators, such as environmental health officers; or
- third-party contractors who are attending the service but not working with children or providing education or care (for example, maintenance contractors).

Broader child safe policies and procedures and supervision requirements continue to apply in these examples.

References

Relevant Legislation & Reverences

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- *Child Safety Standards*
- *National Quality Standard, quality area 2: Children's health and safety*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*

Charter of Human Rights

- These procedures have been assessed against and comply with the Charter of Human Rights.

Related BPA Policies & Procedures

- *Child Safe Environment and Wellbeing Policy*
- *Data Retention & Archiving SOP*
- *Digital Technologies, Images & Personal Device Policy*
- *Educational Program Policy*
- *Emergency and Evacuation Policy*
- *Excursions and Service Events Policy*

**STANDARD OPERATING PROCEDURES under Child Safe Environment and
Wellbeing Policy**

- *Family and community communications policy*
- *Incident, Injury, Trauma and Illness policy*
- *Code of Conduct Policy*
- *Interactions with Children Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy Policy*

Related Forms

- Public use of images consent form
- Use of child's image in promotional materials form
- Photographing, filming and recording for special events by external media consent form