

(Revised September 2025)

## **Policy Statement:**

The Mueller College Outside School Hours Care (OSHC) Service monitors the appropriate use of photographic and video images of students attending the Service to support and promote their involvement in relevant programs and activities. Child safety is of critical importance to the Service and as such all engagement in the gathering, use and storage of photographic images and video are to be strictly in accordance with the Policy and Procedures outlined below.

## **Background:**

The Education and Care National regulations require Service providers to have Policies and procedures that support the health and safety of children and young people attending the Service.

Photographic images and videos are used at the Service to allow sharing of experiences with families and can be used to enhance both educational and safety protocols. It is however recognised that the must be used with great care to ensure the safety of children and young people in the care environment and their protection from exploitation, unauthorised sharing of images and right to privacy.

## **Important terms:**

<b>Children and young people</b>	Refers to the children and young people present in the care environment.
<b>Educator</b>	Refers to the staff employed by the Service to provide care for children and young people attending.
<b>Parent/guardian</b>	Refers to the primary carer/s of the child or young person attending the Service.
<b>Family</b>	Refers to the group of people, including the primary carer which engage daily with the child or young person in the home environment.
<b>Personal device</b>	A <b>personal device</b> is any electronic device intended for individual use, typically owned and operated by one person. These devices are designed to support personal tasks such as communication, entertainment, productivity, and information access.
<b>Smart watch</b>	A <b>smartwatch</b> is a wearable electronic device worn on the wrist that functions as both a traditional watch and a digital assistant. It typically connects to a smartphone via Bluetooth or Wi-Fi and offers features beyond timekeeping, such as receiving and sending notifications.
<b>Mobile Phone</b>	A <b>mobile phone</b> is a portable electronic device used for wireless communication over a cellular network
<b>Tablet / iPad</b>	An <b>iPad</b> is a line of tablet computers designed and marketed by <b>Apple</b> . It features a touchscreen interface and can be used to send text messages and voice memos.
<b>Internet</b>	The <b>internet</b> is a global network of interconnected computers and servers that allows people to share information and communicate across the world and transfer data.
<b>Information Technology</b>	Encompasses the use of ipads, gaming consoles

## **Legislation:**

### **National Quality Standard (NQS):**

Quality Area      **2: Children's Health & Safety**  
                          **5: Relationships with Children**  
                          **6: Collaborative partnerships with families & communities**  
                          **7: Governance & Leadership**

<b>2.2</b>	Safety	Each child is protected.
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.
<b>5.1</b>	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 are maintained.
<b>6.1</b>	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.

## Education and Care Services National Regulations

84	<p><b>Awareness of child protection law</b></p> <p>(1) The approved provider of an education and care service must ensure that a person specified in subregulation (2) who works with children is advised of—</p> <ul style="list-style-type: none"> <li>(a) the existence and application of the current child protection law; and</li> <li>(b) any obligations that the person may have under that law.</li> </ul> <p>Penalty: \$1100.</p> <p>(2) The following persons are specified—</p> <ul style="list-style-type: none"> <li>(a) a nominated supervisor of the service;</li> <li>(b) a staff member of the service;</li> <li>(c) a volunteer at the service;</li> <li>(d) a student who participates in the service.</li> </ul>
115	The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.
155	<p>An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that—</p> <ul style="list-style-type: none"> <li>(a) encourages the children to express themselves and their opinions; and</li> <li>(b) allows the children to undertake experiences that develop self-reliance and self-esteem; and</li> <li>(c) maintains at all times the dignity and rights of each child; and</li> <li>(d) gives each child positive guidance and encouragement toward acceptable behaviour; and</li> <li>(e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.</li> </ul>
171	<p>(1) The approved provider of an education and care service must ensure that copies of the current policies and procedures required under regulation 168 and, in the case of a family day care service, regulation 169 are readily accessible to nominated supervisors and staff members of, volunteers at, and family day care educators engaged by or registered with, the service.</p> <p>Penalty: \$1100.</p> <p>(2) The approved provider of an education and care service must ensure that copies of the current policies and procedures required under regulation 168 and, in the case of a family day care service, regulation 169 are available for inspection at the education and care service premises at all times that the service is educating and caring for children or otherwise on request.</p> <p>Penalty: \$1100.</p>
181	<p>The approved provider of an education and care service must ensure that information kept in a record under these Regulations is not divulged or communicated, directly or indirectly, to another person other than—</p> <ul style="list-style-type: none"> <li>(a) to the extent necessary for the education and care or medical treatment of the child to whom the information relates; or</li> <li>(b) a parent of the child to whom the information relates in accordance with regulation 177 (except in the case of information kept in a staff record); or</li> <li>(c) the Regulatory Authority or an authorised officer; or</li> <li>(d) as expressly authorised, permitted or required to be given by or under any Act or law; or</li> <li>(e) with the written consent of the person who provided the information. Penalty: \$2200</li> </ul>
183	<p>(1) The approved provider of an education and care service must ensure that records and documents set out in regulation 177 are stored—</p> <ul style="list-style-type: none"> <li>(a) in a safe and secure place; and</li> <li>(b) for the relevant period set out in subregulation (2).</li> </ul> <p>(2) The records must be kept—</p> <ul style="list-style-type: none"> <li>(a) if the record relates to an incident, illness, injury or trauma suffered by a child while being educated and cared for by the education and care service, until the child is aged 25 years;</li> <li>(b) if the record relates to an incident, illness, injury or trauma suffered by a child that may have occurred following an incident while being educated and cared for by the education and care service, until the child is aged 25 years;</li> <li>(c) if the record relates to the death of a child while being educated and cared for by the education and care service or that may have occurred as a result of an incident while being educated and cared for, until the end of 7 years after the death;</li> <li>(d) in the case of any other record relating to a child enrolled at the education and care service, until the end of 3 years after the last date on which the child was educated and cared for by the service;</li> <li>(e) if the record relates to the approved provider, until the end of 3 years after the last date on which the approved provider operated the education and care service;</li> <li>(f) if the record relates to a nominated supervisor or staff member of an education and care service, until the end of 3 years after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service;</li> <li>(g) in case of any other record, until the end of 3 years after the date on which the record was made.</li> </ul>

## Education and Care Services National Law

167	Requires The approved provider and Nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.
171	<p>Offence relating to direction to exclude inappropriate persons from education and care service premises</p> <p>(1)The Regulatory Authority may direct an approved provider, a nominated supervisor or a family day care educator to exclude a person whom the Authority is satisfied is an inappropriate person from the education and care service premises while children are being educated and cared for at the premises for such time as the Authority considers appropriate.</p> <p>(2)A person to whom a direction is given under subsection (1) must comply with the direction.</p> <p>Penalty: \$10 000, in the case of an individual. \$50 000, in any other case.</p> <p>(3)In this section— <i>inappropriate person</i> means a person—</p> <p>(a) who may pose a risk to the safety, health or wellbeing of any child or children being educated and cared for by the education and care service; or</p> <p>(b)whose behaviour or state of mind or whose pattern of behaviour or common state of mind is such that it would be inappropriate for him or her to be on the education and care service premises while children are being educated and cared for by the education and care service.</p> <p>Example <b>A person who is under the influence of drugs or alcohol.</b></p>
301 (3,f)	Requirements and standards to be complied with for safety, security, cleanliness, comfort, hygiene and repair of premises, outdoor spaces, fencing, gates, resources and equipment used for providing education and care services;
263	<p><b>Application of Commonwealth Privacy Act</b></p> <p>(1) The Privacy Act applies as a law of a participating jurisdiction for the purposes of the National Quality Framework.</p> <p>(2) For the purposes of subsection (1), the Privacy Act applies—</p> <p>(a)as if a reference to the Office of the Privacy Commissioner were a reference to the Office of the National Education and Care Services Privacy Commissioner; and</p> <p>(b)as if a reference to the Privacy Commissioner were a reference to the National Education and Care Services Privacy Commissioner; and</p> <p>(c)with any other modifications made by the national regulations.</p> <p>(3) Without limiting subsection (2)(c), the national regulations may—</p> <p>(a)provide that the Privacy Act applies under subsection (1) as if a provision of the Privacy Act specified in the national regulations were omitted; or</p> <p>(b)provide that the Privacy Act applies under subsection (1) as if an amendment to the Privacy Act made by a law of the Commonwealth, and specified in the national regulations, had not taken effect; or</p> <p>(c)confer jurisdiction on a tribunal or court of a participating jurisdiction.</p> <p>(4) In this section— <b>Privacy Act</b> means the Privacy Act 1988 of the Commonwealth, as in force from time to time.</p>
271	<p>Disclosure of information to other authorities</p> <p>(1)The National Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—</p> <p>(a)a relevant Commonwealth Government Department; or</p> <p>(b)any State or Territory Government Department; or</p> <p>(c)any Commonwealth, State or Territory public authority; or</p> <p>(d)any State or Territory local authority; or</p> <p>(e)a Regulatory Authority of a participating jurisdiction.</p> <p>(2)The Regulatory Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—</p> <p>(a)a relevant Commonwealth Government Department; or</p> <p>(b)any State or Territory Government Department; or</p> <p>(c)any Commonwealth, State or Territory public authority; or</p> <p>(d)any State or Territory local authority; or</p> <p>(e)a Regulatory Authority of another participating jurisdiction.</p> <p>(3)The National Authority, the Regulatory Authority and any Government Department, public authority or local authority may disclose information to each other in respect of an education and care service for a purpose listed in subsection (4).</p> <p>(4)The purposes for disclosure of information under this section are—</p> <p>(a)the disclosure is reasonably necessary to promote the objectives of the national education and care services quality framework; or</p> <p>(b)the disclosure is for the purposes of enabling or assisting the other entity to perform or exercise any of its functions or powers under this Law; or</p> <p>(c)the disclosure is for the purposes of research or the development of National, State or Territory policy with respect to education and care services; or</p> <p>(d)the disclosure is for a purpose relating to the funding of education and care services; or</p> <p>(e)the disclosure is for a purpose relating to the payment of benefits or allowances to persons using education and care services, provided the disclosure of information is not otherwise prohibited by law.</p>

	<p>(5)The Regulatory Authority must disclose to the Regulatory Authorities of other participating jurisdictions the suspension or cancellation of a working with children check, working with children card or teacher registration of a nominated supervisor of which it is notified under this Law.</p> <p>(6)The Regulatory Authority may disclose to the head of the government department responsible for the administration of a working with children law, any prohibition notice given under this Law as applying in any participating jurisdiction in respect of the person.</p> <p>(7)A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—</p> <p>(a)the National Authority, all participating jurisdictions and the Commonwealth; and</p> <p>(b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.</p> <p>(8) Information disclosed under this section for the purpose of research or the development of National, State or Territory policy with respect to education and care services must not include information that could identify or lead to the identification of an individual other than—</p> <p>(a)an approved provider or a nominated supervisor; or</p> <p>(b)a family day care educator who has been suspended from providing education and care to children as part of a family day care service; or</p> <p>(c)a person to whom a prohibition notice applies; or</p> <p>(d)a person who is being prosecuted for an offence against this Law.</p>
272	<p>Disclosure of information to education and care services</p> <p>(1) At the request of an approved provider, the National Authority or the Regulatory Authority may disclose the following information to the provider, if the National Authority or Regulatory Authority considers on reasonable grounds that the provider requires the information to comply with the provider's obligations under this Law—</p> <p>(a)whether a person named in the request is subject to a prohibition notice given under section 182;</p> <p>(b)whether a family day care educator named in the request has been suspended from providing education and care to children as part of a family day care service under section 178.</p> <p>(2) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—</p> <p>(a)the National Authority, all participating jurisdictions and the Commonwealth; and</p> <p>(b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.</p>
273	<p>Duty of confidentiality</p> <p>(1) An individual who is, or who has been, a person exercising functions under this Law must not disclose to another person protected information.</p>

## Principals:

To ensure guardian permissions are sought and received for the purpose of obtaining photographs. These photos may be used for reflection, student development tracking and observation as well as, parent communication, publications and advertising. It is the aim of the Service that parent consent be the basis of all photographic use to ensure privacy and personal choice are valued and respected. Central to this Policy is the following:

- Only service-issued devices should be used to take photos or videos of children.
- Personal electronic devices that can take or record images are not to be carried or used, unless for authorised essential purposes such as emergencies, health and family needs.
- Strict controls should be in place for storing and retaining children's images and recordings.

## Procedure:

### **Parents/ Guardians will:**

- be required to authorise permission for such images or video of their students to be taken and used by the Service on relevant enrolment forms and documentation.
- Such permission will include local community and in-service activities and events and online platforms like 'Xplor'.
- be requested for special permission to be granted for photographs or video taken which are intended to be used for promotional purposes and may be viewed by persons outside of the local community in which the Service resides.

- be able to withdraw their consent at any time.
- Be aware that if their student is enrolled and they have not specified that they do not consent to photographs or of their child that permission will be assumed.
- Not take any photographs, audio recordings or videos while at the service.
- Will be requested to give or decline permission for their student to be photographed or videoed during the service for a list of reasons.
- Be aware that they are able to withdraw their consent at any time.
- Be able to discuss any complaints and grievances at an agreed upon meeting time with the approved provider, nominated supervisor or director.

### **Educators will:**

- be permitted to photograph and video students using equipment owned solely by the OSHC service. No images will be taken or stored on personal equipment or devices.
- Only take photographs, audio recordings and video footage of students for educational purposes in accordance with parental/guardian permissions.
- Be diligently aware of students who are not to be in photographs and videos.
- Not use personal devices to take photographs, audio recordings or video footage of students.
- Only use service issued phones and devices are to be used when photographing or recording students within the service.
- Not take inappropriate images of students. This may include:
  - Students not appropriately dressed, for example, in their underwear, in a state of undress or with private areas exposed.
  - In a position that could be sexualised.
  - In a state of anxiety or distress or demonstrating dysregulation.
- not include any students who do not have permission to be photographed in photo displays or posters at the Service.
- Ensure processing of hard copy photographs shall be conducted within the Service using the printing equipment available.

### **The Approved Provider & Nominated Supervisor will:**

- Ensure we are maintaining students' rights to privacy.
- Ensure families are provided with the opportunity to give written consent for photographing or recording video of their child by the service (see enrolment form).
- Ensure families that speak a different language have the opportunity to have the enrolment forms translated in order to give proper photograph and video consent.
- Ensure every child in our care is protected from any exploitation of photographic images and videos of themselves taken whilst at the service
- Ensure students participate in decision making that affects them by ensuring staff seek verbal permission from the students when taking a photo or video of them.
- Ensure personal information about the child's surname, age or any other information that reveals their identity is not published outside of parental/guardian consent.
- Ensure a list of students who have not consented to photos are available to staff and ensure that it remains confidential.
- Ensure that parents can withdraw consent at any time.
- Not approve a personal electric device to be used as an approved service issues device.
- Have oversight and control of access to images including:

- The accessing of images and videos within the service, for example, staff accessing digital and hardcopy files containing images or video recording of students within the service. This incurs the movement of these onto other devices and platforms that are not approved or monitored by the service.
- Images, videos or content are not inappropriately posted online or shared through other applications by staff or students excluding for the purpose of sharing with families as authorised.
- Ensure use of service issued phones and iPads are regularly monitored to ensure that they are being used appropriately.
- Ensure only staff directly employed by Mueller College Outside School Hours Care are taking photos or recording videos of students within the service on approved devices.
- Share the 'Photographic Images & Videos Policy and Procedure' with all employees upon their induction and ensure it is available to staff and families at all times.
- Additional professional development will be provided as needed and during review processes.
- All Service policy will be reviewed annually through consultation with all stakeholders or sooner should there be identified changes or updates to legislative requirement.

### **Storage and removal of student photos and videos**

- For all enrolled or previously enrolled students with a medical action plan in place within the service a photograph of them will be used as an identification measure on the documentation. Mueller College Outside School Hours Care is required to keep this documentation until the student is 25 years old. Similarly, any reports relating to incidents, illness or trauma must be kept until the child turns 25. These records will remain filed in a locked storage room that only staff with the authority to see these records will have access too.
- Any posters displayed around the room that have pictures of children and young people will be updated once the child or young person displayed are unenrolled from the service.
- All promotional material such as handbooks or the Mueller College Website that involve photos and images of children and young people will remain active upon parent consent.

### **CCTV**

Mueller College OSHC is committed to providing a safe and secure environment for children, staff, and families. CCTV cameras may be used solely for safety and security purposes, not for continuous supervision or performance monitoring of staff or children.

#### **CCTV cameras may be used to:**

- Monitor the security of the site outside of general business hours.
- Prevent and verify incidents involving:
  - Criminal behaviour – of anyone on the college grounds.
  - Misconduct of anyone who is entering or has entered the college grounds.
  - Other inappropriate behaviour – including of students, staff, visitors or members of the public.
- verify other incidents involving students, staff, visitors or members of the public.

#### **CCTV cameras are not to be:**

- Hidden or installed in covert areas around the college grounds.
- Located in private areas such as toilets and changing rooms,
- Used to monitor student, staff, contractor, visitor or volunteers work performance.



- For personal use.

### **Access and management:**

The Mueller College Executive Committee or their delegate, specifically Information Technology personnel, are responsible for managing and securing the CCTV system including:

- Operation of the CCTV system and ensuring it complies with this policy
- Considering the appropriate location and use of cameras and method for storing CCTV footage
- Maintaining and upgrading cameras when required.
  - CCTV footage is only accessed for the purposes set out in this policy and only by the Executive Director, Head of College or their delegate, including people explicitly authorised by the Executive Director or Head of College.
- Mueller College will not provide copies of CCTV footage to staff, students, parents or any other parties unless permitted by law.

### **Storage:**

- CCTV footage is held on secure servers on site.
- CCTV footage will be retained by the College for a minimum period of 60 days. After that time, it will be overwritten.
- Where CCTV footage has been used to verify an incident or where it is required to be retained for legal purposes, the college will manage and securely retain the footage in accordance with Queensland State Archives guidelines.

### **See also:**

- Mueller OSHC Duty of Care Policy & Procedure
- Mueller OSHC Privacy Policy & Procedure
- Mueller OSHC Anti bullying Policy & Procedure
- Mueller OSHC PG ratings Policy & Procedure
- Mueller OSHC Supervision Policy & Procedure
- Mueller College OSHC Providing a Child Safe environment Policy & Procedure
- Mueller College OSHC Risk Management Policy & Procedure
- Mueller College OSHC Workplace Health and Safety Policy & Procedure
- Mueller College OSHC Enrolment & Orientation Policy & Procedure
- Mueller OSHC Complaints Handling Policy & Procedure
- Mueller OSHC Record keeping Policy & Procedure
- Mueller OSHC Provision of a Safe Environment Policy & Procedure
- Mueller OSHC Children and Young Person Technology Policy & Procedure
- Mueller OSHC Staff Technology and Personal Device Policy & Procedure
- Mueller OSHC Cyber Security Policy & Procedure

### **REFERENCES:**

- Education and Care Services National Law Act 2010, Current as at October 2024
- Education and Care Services National Regulations, Current as at September 2025
- Education and Care Services National Law Act (QLD) 2011, Current as at September 2025
- Child Protection Act 1999 (Current as at 20 September 2025)
- Guide to the National Quality Framework, Revised September 2025

- My Time, Our Place – Framework for School Age Care in Australia – Produced by the Australian Government Department of Education, Employment and Workplace Relations for the Council of Australian Governments. Ver2.0, Revised 2022
- National Quality Standard, Revised 1 February 2018
- Guide to the National Quality Standard, Revised May 2022
- Family & Child Commission Act 2014 (current as of 24 June 2024)
- Education and Care Services Act 2013, Current as at Feb 2024
- Child Protection Regulation 2011
- United Nations Convention on the Rights of the Child (Last modified 2 August 2014)
- Disability Discrimination Act 1992 (Current as at Oct 2024)
- Anti-Discrimination Act, 1991 (Current as at 1 Dec 2024)

## REVIEW

POLICY REVIEWED BY:	Rachel Rose	OSHC Director	23/09/25
POLICY REVIEWED	SEPT 2025	NEXT REVIEW DATE	JAN 2026
VERSION NUMBER	V2.3		
MODIFICATIONS	<ul style="list-style-type: none"> <li>• Updated references</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	PAST REVIEW DATE	
	<ul style="list-style-type: none"> <li>• Updated references</li> <li>• Addition of review table</li> </ul>	Jan 2025	
	<ul style="list-style-type: none"> <li>• Re formatted</li> <li>• Additional information added</li> <li>• Child safe principals embedded</li> </ul>	June 2025	