



National Model Code

Taking Images or Videos of Children While Providing Early Childhood Education and Care

Frequently Asked Questions

About the National Model Code	
<p>What is the <i>National Model Code on taking images or videos of children while providing early childhood education and care</i> (National Model Code)?</p>	<p>The National Model Code sets out recommended child safe practices for taking, sharing and storing images or videos of children while providing early childhood education and care (ECEC).</p> <p>The intention is that approved providers and their services will consider and voluntarily adopt the recommended practices within the National Model Code.</p> <p>The recommended practices are set out in four parts of the National Model Code, which outline:</p> <ul style="list-style-type: none">• that only service-issued electronic devices should ever be used to take photos or record videos of children• that personal electronic devices that can take photos or record images should not be carried while providing ECEC, except for authorised essential purposes• considerations for why someone may need to continue to carry a personal electronic device that can take or record images (authorised essential purposes)• the need for strict controls for storing and retaining images or recordings of children.
<p>What is a 'model code'?</p>	<p>Generally, a model code describes recommended practices that organisations can choose to follow or adopt, in the interest of promoting or achieving a positive outcome in a particular area.</p> <p>Model codes can be used when regulatory changes are being planned for, or are in the process of occurring, and may be voluntarily adopted by organisations ahead of such changes being implemented.</p>
<p>Who has the National Model Code been designed for?</p>	<p>The National Model Code has been designed for voluntary adoption by centre-based ECEC services approved under the National Quality Framework (NQF), whose primary purpose is to educate and care for children 0-5 years old (e.g. long day care and pre-school / kindergarten services).</p> <p>Providers of other types of ECEC services and approved providers of outside school hours care services may wish to consider adopting similar practices, within their own contexts.</p>



<p>Why hasn't the NQF (National Law and Regulations) just been amended instead of introducing a voluntary model code?</p>	<p>The National Model Code has been introduced to support approved providers and their services adopt recommended practices for the safe use of electronic devices while regulatory reform around these issues, and other recommendations from the Review of Child Safety Arrangements under the National Quality Framework, are being explored by governments.</p>
<p>What are the benefits of adopting the National Model Code now?</p>	<p>The National Model Code is a mechanism to enhance relevant child safety activities and strategies that are already in place across the ECEC sector.</p> <p>Adopting the National Model Code will promote a child safe culture and assist approved providers and their services build high quality practices, in advance of any possible future regulatory requirements in this area.</p>
<p>Why is there a need to address the use of devices in education and care services?</p>	<p>The Review of Child Safety Arrangements under the National Quality Framework identified that the NQF could be further enhanced in a number of child safety areas, including to reduce risks around taking / recording images of children, and the sharing and storing of those images.</p> <p>The National Model Code has been introduced as a first step towards enhancing a child safe environment around the use of personal devices. This will help manage risks to child safety that continue to evolve alongside technology advancements.</p> <p>It also supports educators adopt child safe practices when taking, sharing and storing images of children.</p>
<p>We already only use service-issued devices when taking, sharing and storing images and videos of children. What else should we do to be vigilant about images or videos of children in ECEC?</p>	<p>The National Model Code and Guidelines outline ongoing considerations approved providers should consider in their service(s) to implement recommended practices for taking, sharing and storing images of children.</p> <p>Consideration of child safety in taking, sharing and storing images of children requires regular monitoring and review, as technology rapidly evolves.</p>
<p>Adopting the National Model Code</p>	
<p>How does the National Model Code Work?</p>	<p>Approved providers and their service(s) are strongly encouraged to adopt the National Model Code.</p> <p>Adopting the National Model Code may involve approved providers and their service(s) updating existing policies and procedures, in consultation with educators and other service staff, families and carers.</p>



	<p>The Guidelines that accompany the National Model Code have been developed to assist approved providers with this process.</p> <p>There is no prescribed format for how and when approved providers and their service(s) should consider adopting the National Model Code. However, approved providers are encouraged to start now in considering how the National Model Code can be applied in their context.</p>
<p>Can any education and care service apply the National Model Code?</p>	<p>Yes, the National Model Code and Guidelines have been developed for use in centre-based ECEC services approved under the NQF, with a focus on long day care, preschools and kindergartens.</p> <p>However, any type of education and care service may choose to adapt and apply the National Model Code and Guidelines to their service context, as appropriate.</p>
<p>Our service will be adopting the National Model Code. Where should we start?</p>	<p>The first place to start would be to read the Guidelines and consider how implementing the National Model Code could look in practice at your service. The Guidelines include questions to help determine how to incorporate the Model Code in existing policies and procedures. These questions are for consideration and not all may apply in your context.</p> <p>Once you have considered how the National Model Code could look in practice, a good next step might be to review your relevant existing policies and procedures, such as providing a child safe environment and staff Code of Conduct.</p>
<p>How do we engage with educators and other staff about the National Model Code?</p>	<p>Supporting educators and other staff to understand their active role in creating a child safe environment involves talking about the challenges and risks involved in taking, sharing and storing images or videos of children while providing education and care.</p> <p>Many approved providers of ECEC services have already adopted policies and procedures that limit or restrict the use of electronic devices, in the way described in the National Model Code.</p> <p>A range of communications and engagement materials have been prepared to assist approved providers to implement the National Model Code, and raise awareness of its purpose – in partnership with educators and other service staff, families and carers. Click here to access them.</p>
<p>How do we engage with families and carers about the National Model Code?</p>	<p>In implementing the National Model Code, approved providers of ECEC services should consider consulting with families and carers to address their service(s) specific situation and unique context. This includes the use of devices by families, carers and other visitors to</p>



	<p>the service, and the use of children's personal electronic devices, where applicable.</p> <p>Engaging with families and carers about your purpose and intent in sharing photos and videos of their children with them, and how this is done safely, is an important part of fostering a child safe environment.</p> <p>A range of communications and engagement materials have been prepared to raise awareness of the purpose of the National Model Code. These materials will assist approved providers with implementation in partnership with educators and other service staff, families and carers. Click here to access them.</p>
<p>Status of the National Model Code under the Education and Care Services National Law (National Law)</p>	
<p>Are approved providers and their service(s) required to adopt the National Model Code?</p>	<p>No, the National Model Code is voluntary.</p> <p>While governments strongly encourage approved providers to adopt the Code, there is no requirement to implement all or any aspects of the Code.</p> <p>Approved providers who choose not to adopt all or any aspect of the National Model Code will not be in breach of the National Law because of this decision.</p>
<p>Is the National Model Code enforceable under the National Law?</p>	<p>The National Model Code is not part of the National Law.</p> <p>Those who choose to implement the Code have flexibility in how they do this, including through updates to their existing policies and procedures. For example, an approved provider may choose to incorporate some or all elements of the Code within one or more of their existing policies and procedures that are required under regulation 168, such as policies and procedures on 'providing a child safe environment' or 'code of conduct for staff members'.</p> <p>Approved providers are reminded that under regulation 170, reasonable steps must be taken to ensure that the policies and procedures required under regulation 168 are followed. For guidance on compliance with regulation 170, approved providers should refer to ACECQA's Six Reasonable Steps to Ensure Staff Follow Policies and Procedures.</p>
<p>Will choosing to adopt, or not adopt, the National Model Code impact quality assessment and rating decisions? For example, does a service</p>	<p>Adopting the National Model Code is not a specific requirement for a service to achieve a particular quality rating.</p> <p>There is no one way to Meet or Exceed the National Quality Standard (NQS). When assessing a service against the NQS, authorised officers collect evidence through a combination of observation – of what</p>



need to have adopted the National Model Code to achieve a Meeting or an Exceeding National Quality Standard rating for certain standards and quality areas?

children, families, carers, educators, co-ordinators and staff members are doing; **discussion** – including about why and how particular practices occur at the service; and **sight** – including documentation provided as evidence to support particular practices at the service or legislative requirements.

More information about quality assessment and rating against the NQS – including questions used by authorised officers in reviewing whether evidence establishes *Exceeding* level practice – can be found in [Section 3 of the Guide to the NQF](#).

The Guide to the NQF also includes questions for services to ask of their own practice to consider whether their service is Exceeding the NQS, including in relation to children's health and safety. For example, as a prompt for services to consider whether their **practice is informed by critical reflection** (*Exceeding theme 2*), educators, the educational leader and coordinators are prompted to consider how they:

- systematically and regularly reflect, individually and as a team, on practices to support child safety, and make changes when opportunities to further enhance children's outcomes are identified.
- show awareness of and discuss the influences on their practice to support and promote all children's safety, including recognised guidelines, information sources, and other legislation that underpins their practice approach, and how they align with the approved learning framework(s) and the service's policies and procedures.

In this context, critically reflecting on the National Model Code and its implementation in a service could be one practice that demonstrates support for high-quality critical reflection, which informs practice. However, it is not, in itself, a specific criterion used to determine a particular quality rating.

Guidelines

How do the Guidelines work?

Guidelines have been developed to support approved providers and their services promote a child safe culture and apply the National Model Code.

The Guidelines include background information, tips on how to apply the National Model Code and guidance on implementing policies, procedures, and practices about the use of electronic devices in centre-based ECEC services.

The Guidelines also include questions to help determine how to incorporate the National Model Code in existing policies and procedures. These questions are for consideration and not all may apply in your context.



Scope of the National Model Code	
<p>Is the National Model Code intended to apply to families and carers and other visitors when attending the centre-based ECEC service?</p>	<p>No, the National Model Code is intended to apply to educators, other staff and volunteers at centre-based ECEC services. It does not specifically reference how it might apply to families and carers or other visitors to a service, such as trades persons undertaking maintenance work at the service, entertainers or professional school photographers.</p> <p>However, services should be vigilant when visitors are on site. Educators and other staff should positively inform and/or remind visitors about the service's practices and commitment to creating a child safe culture.</p> <p>Within their policies and procedures, approved providers may wish to consider how visitors are informed of the service's practices, and how they might apply to them.</p> <p>There are also questions within the Guidelines that approved providers and their service(s) are encouraged to consider in relation to families, carers and other visitors.</p>
<p>Why hasn't the National Model Code been designed to apply to Outside School Hours Care (OSHC) services?</p>	<p>There are distinct and additional considerations for approved providers of OSHC services under the NQF, given they primarily cater to an older cohort of children. This is why Education Ministers agreed that OSHC services will not be specifically targeted for participation in the National Model Code.</p> <p>Approved providers of school age education and care services may still wish to consider how aspects of the National Model Code may be applied in their context(s).</p> <p>Issues relating to taking, sharing and storing images or videos of children in NQF services while providing school age education and care will be considered by governments, as part of future work to explore NQF legislative change options.</p>
<p>Why hasn't the National Model Code been designed to apply to Family Day Care services?</p>	<p>The policy positions and practices being recommended in the National Model Code have been developed for application in a centre-based, ECEC service context. Family Day Care services have a distinct service context, in that they primarily provide services within an educator's home.</p> <p>However, approved providers of Family Day Care services may wish to consider how aspects of the National Model Code may be applied in their context(s).</p>



<p>Can early childhood services outside of the NQF adopt the National Model Code?</p>	<p>Yes, providers of ECEC services that are not regulated through the NQF may wish to consider how aspects of the National Model Code may be applied in their context(s).</p>
<p>Some operational questions</p>	
<p>Is the National Model Code recommending that all smart watches should not be worn by educators and other staff members while providing education and care?</p>	<p>No, the National Model Code is not recommending that <u>all</u> smart watches should not be worn while providing education and care, as not all smart watches can be used to take images or videos of children.</p> <p>The National Model Code recommends that any device that can take images or videos of children should not be worn when directly educating and caring for children. This includes smart watches or any other electronic device <u>with the capability to take images or videos of children</u>. Not all smart watches have this capability.</p>
<p>Part 1 of the National Model Code refers to 'service-issued' electronic devices. What is a 'service-issued' electronic device?</p>	<p>A 'service-issued' device is an electronic device that has been authorised for use within the service.</p> <p>It may be one or more designated electronic devices that are owned by the approved provider and authorised at the service for educators to use in implementing an educational program.</p> <p>The intention is to maintain strict controls on all images or videos of children that are taken on such a device, as outlined in Part 4 of the National Model Code. For this to occur, there should be clearly documented arrangements as to which electronic devices are authorised to take images or videos of children are 'service-issued'.</p>
<p>Should the National Model Code apply when providing ECEC outside a service premises, including excursions and/or transporting children?</p>	<p>Yes, the National Model Code should also apply when providing ECEC outside a service's premises.</p> <p>Only service-issued devices should be used to take images or videos of children while providing ECEC. That could be at a service's premises, during excursions or regular outings, or when children are transported, or travel on transport arranged by ECEC services.</p>
<p>Part 3 of the National Model Code talks about essential purposes for which use and / or possession of a personal electronic device may be authorised, for uses other than taking images or recording videos of</p>	<p>There are times when educators and other staff may need to use and/or carry their personal device for an 'essential purpose'. Scenarios likely to meet the definition of an essential purpose are listed in Part 3 of the National Model Code.</p> <p>Approved providers should document their approach to authorising the use and/or possession of personal devices for essential purposes.</p>



<p>children. How should this work?</p>	
<p>Future regulatory reforms</p>	
<p>Will future regulatory reforms in the NQF look exactly the same as what is in the National Model Code?</p>	<p>No, future regulatory reforms in the NQF will not necessarily look exactly the same as what is in the National Model Code.</p> <p>The National Model Code and Guidelines have been developed to provide guidance on recommended practice, while regulatory reform around these issues is explored by governments.</p> <p>Any future changes to the National Law will be informed by consultations with the ECEC sector.</p> <p>This means any specific changes to the National Law can only be known once those processes are finalised.</p>
<p>Other considerations for families and carers</p>	
<p>How does the National Model Code relate to the way educators might communicate with families and carers about their child?</p>	<p>Early childhood educators at times may intentionally take or record images or videos of children when providing education and care. This can be an effective way to document and communicate with families and carers about their child's learning, and their participation in early learning experiences.</p> <p>Without a clear purpose, recording and sharing images and videos through overly frequent updates can take the place of providing more meaningful information to families and carers. This can also impact educators' abilities to effectively supervise, interact and engage with children in their learning.</p> <p>It is also in the interest of the safety, health and wellbeing of children that strict protocols be maintained for taking, sharing and storing images or videos of children.</p> <p>This is why centre-based ECEC services are being encouraged by all governments to adopt the National Model Code.</p> <p>Educators and other staff may seek families and carers' views on how to effectively apply the National Model Code. Families and carers may also wish to ask their service about its policies and practices on taking, sharing and storing images of children.</p>