

# Policy & Guidance on Safe Use of Children's Photographs 2021 - 2023

I am special in God's eyes

We will be a happy, welcoming school with Christ at the centre, where everyone is recognised as special  
"Do not be afraid for I have redeemed you;  
I have called you by your name,  
you are mine.  
Because you are precious in my eyes,  
because you are honoured and I love you."  
Isaiah 43 : 2-5

## 1. Introduction

Children's photographs add colour, life and interest to materials and articles promoting school activities and initiatives. This can increase pupil motivation, staff morale and help parents and the local community identify and celebrate the school's achievements.

However, in order to respect young people's and parents' rights of privacy and because of potential child protection issues, photographs must be used in a responsible way. St Joseph's School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment.

This policy seeks to achieve a practical balance to secure the above.

## 2. Data Protection Act

The Data Protection Act and the introduction of the Human Rights Act has meant that we need to exercise more care in the use of photographs, videos and webcams of clearly identifiable people. Also, increased use by schools of the internet has led to several requests for advice on using images of children and adults both on a website and on printed publications. The key point to remember is that schools should always have the consent of either the pupil or the parents prior to using their image.

The Data Protection Act 2018 also affects our use of photography. The Act does not prevent individual parents recording, filming or photographing their sons or daughters at school events, this is covered by an exemption to the Act.

Under the terms of the Data Protection Act 2018 images of pupils (or staff) must not be displayed in a public place without consent. This includes publications such as the school prospectus, website or areas in the school where visitors have access.

## 3. General rules on taking and using photographs of children

- Parental consent must always be obtained
- Images will only be taken and used of children in suitable dress.

- Where we have been informed that a child is subject to a court order then we will never use their image.
- We will ensure images are stored securely, especially where electronic versions are kept, and used only by those authorised to do so.
- We will ensure file names given to electronic images of pupils do not identify the child, e.g. maryjones.jpg
- Only people authorised to do so may take photographs in school
- Public events attended by children from the school may be filmed and photographed. However, anyone seen acting inappropriately may be challenged by a member of the school or event staff. Specific event restrictions may apply.
- Photographs will be destroyed or archived securely when a child leaves the school

#### **4. Typical Uses of Photographs**

- Drama including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports events.
- Displays of children's activities.
- Learning Journey books
- Publications by the school.
- The school website.
- Staff training and professional development activities.
- Records of work or class activities
- To highlight a group or individual's success
- A record of events at the school

#### **Displays in Schools**

Still photographs shown on displays and video clips available during open / parents' evenings should depict children in an appropriate way. They should not display images of children in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained.

Do not use photographs or images likely to cause embarrassment.

#### **School prospectuses and other literature**

Although most school literature is sent to a very specific audience, we avoid using personal details or full names of any child in a photograph. We also avoid naming a child in the text or accompanying photo caption if they appear in a photograph - and vice versa.

A school Prospectus is a good place to inform prospective parents of the school's approach to publishing images. A phrase similar to the following might be included:

'The school may on occasions use photographs of the children to promote the school, you will be invited to sign a consent form to indicate whether you agree to your daughter/son's image being used in this way.'

#### **Parents Evenings, Concerts, Presentations**

To allow the appropriate recording of children's images by parents / carers the school will:

- ensure that children are appropriately dressed;
- be aware of any child who should not be photographed; and
- monitor the use of cameras and challenge anyone behaving inappropriately.

## **5. Newspapers & Media**

As long as parental consent has been secured newspapers may publish photographs of pupils but must not publish names alongside them. They may however refer to group photographs collectively eg Class AB or St Joseph's choir. Pupils must not be approached or photographed whilst at school (or engaged in school activities outside school) without the permission of a member of staff

Occasionally, members of the press may take photographs or film footage at our school. For example, a school was recently visited by the mayor and the local press took photographs of the mayor surrounded by pupils. Photographs taken for the purpose of journalism are exempt from the Data Protection Act.

## **6. Use of Internet**

The website manager should know good practice and ensure that the establishment only uses appropriate images that follow this guidance.

### **Websites**

The school website will not use:

- personal details or full names (first name and surname) of any child or adult in a photograph, although first names can be used in some circumstances.
- personal e-mail or postal addresses, and telephone or fax numbers.

If a photograph of an individual pupil is used, we do not include that child's first name in the accompanying text or photo caption. If a pupil is named in the text, we do not include a photograph of that child. This will avoid the risk of inappropriate and unwelcome attention from people outside the school. When group photographs are used, ensure that they have general labels such as "a science lesson" or "making Christmas decorations".

The parental consent form will explicitly include publication on the school website. Photographs of the school building, children or adults working in the school should not be taken or be shared on social media/over the internet without appropriate permission.

## **7. Pupils Taking Photographs**

Photographs taken with school equipment as part of a curricular activity will be used only in accordance with this policy.

There may be other occasions when pupils will take photographs of other

pupils; the school will only publish or use such photographs in accordance with this policy.

If a pupil takes an inappropriate photograph of another pupil this will be dealt with under behaviour policies.

## **8. Video & Filming Events**

Before any children or young people up to the age of 18 can appear in a video, parental consent must be obtained. This can be on the same form as for photographs of children. Permission must be obtained for anyone in a video who is not part of a crowd and is easily recognisable.

The appropriateness of photographic images earlier outlined also applies to video/film images.

We recognise that parents, carers and family members wish to record events such as school plays, sports days etc to celebrate their child's achievements. However, it is important that such records remain private and for their own personal use. Upon a child's admission to the school parents will be asked to sign a use of photography consent form that acknowledges this.

Parents/carers are not required to comply with the Data Protection Act 2018 when taking photographs for their own private use of their children at an organised event. The Act does not, therefore, stop parents/carers from taking photographs or making video recordings at school events such as nativity plays. As long as the parents/carers have been invited to the event and the subsequent pictures are intended for family or private use only, there is no breach of the Act.

Parents/carers are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use. They would not, for example, be permitted to sell videos of a school event, (unless authorised/commissioned to do so by the Headteacher/Governors for the purpose of fund raising on behalf of the school and in a fashion that had already met the requirements for such sales). Recording and/or photographing other than for private use would require the consent of all the other parents/carers whose children may be included in the images. To make sales or pass copies on could be a breach of the Data Protection Act 2018.

When hosting an event where parents are permitted to take photographs or videos, it will be made clear from the start that any images taken must be for private use only. It should also be made clear that any images recorded at such an event must not be put on the web/internet otherwise Data Protection legislation may be contravened. The school may provide written guidance to parents beforehand and/or make an announcement at the start of the event or display a written notice.

It is important, therefore, to be sure that people with no connection with the school do not have any opportunity to film covertly. School staff should be prepared to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

Equally those parents and carers known to the school and helping with the event in any way must not take photos or videos whilst assisting.

Imposition of a ban may be necessary, in some circumstances where the school may be unable to ascertain the identity of all those who attend or adequately control the spontaneous behaviour of parents /carers.

#### A checklist for schools-

- Decide if the event is one at which you will permit photography and videoing. If custom and practice has been that you have allowed it in the past, obtain legal advice if you are going to ban it (see above).
- When informing parents of the event, inform parents/carers of your decision on photography and videoing
- Include written guidance for parents/carers to the effect that any images must be taken for personal use only and specify that the images must not be put on the web/internet and that if they are Data Protection legislation is likely to be contravened.
- Send a copy to all parents/carers of the 'Use your camera and video courteously' code' (see below).
- Remind parents/carers with a verbal announcement at the start of the event that any images must be taken for personal use only and remind them that such images must not to be put on the web/internet otherwise Data Protection legislation is likely to be contravened.
- Plan and think ahead as to where and when in the performance or event photos and videos may be taken and give parents/carers attending the event appropriate guidance regarding where and when photographs may be taken. This will help to avoid disruption or distraction to the children, other parents or staff.
- Be sure that parents and carers helping with children dressing or changing do not take photos or videos whilst assisting with this
- Be sure that people with no connection with your school do not have any opportunity to film covertly – remember to ask your staff to quiz anyone they do not recognise who is using a camera and or video recorder at events and productions.

#### **Webcams**

With the increasing use of webcams for events such as video conferencing, it is necessary to be more aware of the data protection requirements of this medium. The regulations for using webcams are similar to those for CCTV (closed-circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter that area. This has the effect of getting their consent. Like photographs, you must tell the person:

- why the webcam is there
- what you will use the images for, and
- who might want to look at the pictures.

#### **9. Commercial & Outside Photographers**

Will be given a clear brief about what is considered appropriate in terms of content and behaviour and wear identification at all times. Photographers will not have unsupervised access to children or one-to-one photo sessions at events and may not solicit photo sessions outside the event or at a pupil's home.

## **10. Camera Phones**

Camera phones may be used at school events as outlined above. It is not acceptable for camera phones to be used under any other circumstances. Mobile phones may not be used in sight or sound of children. Staff are not permitted to use mobile phones to capture images of pupils or pupils' work.

## **11. Consent**

On admission of a pupil to the school parents/carers will be asked to sign a photography consent form which makes clear the school's policy, especially:

- i) How and where photographs will be used
- ii) The period of consent
- iii) The storage and deletion of photographs

Parents should contact the school if they wish to change their preferences.

## **The rights of school staff**

Whilst it is important to protect the rights of the children, schools should not lose sight of the requirement to also look after the rights of staff. Whilst it is not necessary to obtain written consent of the school staff before using their images, the purpose of the photograph should be explained to the staff member to allow them to make their own mind up without pressure.

## **12. Complaints Procedures**

Parents should follow the school's normal parental complaint procedures in most cases. In the case of concerns regarding the use of photographs by the press, they should contact the Press Complaints Commission or the Office of Communications (OFCOM) in the case of TV companies.

## **13. Review**

This policy will be reviewed by the Governing Body in line with the child protection policy, in view of the continual advances in technology and in response to significant views expressed by parents, staff and pupils (if appropriate).

Date: November 2021

Review Date: November 2023

## **'Use your camera and video courteously' Code**

A guide for using photography and/or video at a school event

Generally photographs and videos for school and family use are a source of innocent pleasure and pride which can enhance self-esteem for children and young people and their families. By following some simple guidelines we can do so safely and with regard to the law.

- Remember that parents and carers attend school events at the invitation of the head and governors
- The head and governors have the responsibility to decide if photography and videoing of school performances is permitted
- The head and governors have the responsibility to decide the conditions that will apply in order that children are kept safe and that the performance is not disrupted and children and staff not distracted.
- Parents and carers can use photographs and videos taken at a school event for their own personal use only. Such photos and videos cannot be sold and must not be put on the web/internet or social media sites due to existing Data Protection legislation, which in such circumstance is likely to be contravened.
- Recording or/photographing other than for private use would require the consent of all the other parents whose children may be included in the images.
- Parents and carers must follow guidance from staff as to when photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and carers must not photograph or video children changing for performances or events
- If you are accompanied by people that school staff do not recognise they may need to check out who they are if they are using a camera or video recorder.

**Please sign and date this form and return to the school**

I/We agree to this code and take responsibility for any accompanying adults whilst on the premises.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Child's Name: \_\_\_\_\_

# Consent for Use of Images and Photography



During the school year we like to take photographs of some of your child's activities. Some of the photographs will be used in school only, for example highlighting development, enhancing displays in the classroom and around school, celebrating individual and group achievement, commemorating events, and in your child's curriculum books. At other times we may want to use photographs to publicise our school and this could be for use on our school website, in our school prospectus or in the media. Sometimes we also have events to which we invite parents/carers such as Christmas nativity plays, and again both us and you may want to take photographs. Photographs or film footage by parents/carers of their children for personal use at such events is permitted.

We understand how important your child's image is and therefore we ask your consent for photographs to be taken. Even when permission is given, we use images carefully, for example never disclosing your child's full name. For public events we remind all parents/carers about using images respectfully and never posting images on social media unless they have the permission of other parents to do so.

Name of Child	
I understand that images or recordings <b>for school use only</b> may be taken of my child for class and school displays, curriculum books and at school events such as Christmas plays, sports days etc.	
I give my consent for images to be taken and used	YES <input type="checkbox"/> NO <input type="checkbox"/>
I understand that images may be taken of my child for the above, <b>and also</b> the school website, school prospectus and in the media	
I give my consent for images to be taken and used	YES <input type="checkbox"/> NO <input type="checkbox"/>

## Conditions of Use

1. This form is valid for 5 years from the date you sign it, or for the period of time your child attends this school. The consent will automatically expire after this time.
2. To comply with the Data Protection Act 2018, we need your permission before we can photograph or make recordings of your child.
3. We will not use the personal details or full names of any child or adult in a photographic image, on video, on our website, in our school prospectus or in any of our other printed publications
4. We will not include personal email or postal addresses, or telephone or fax numbers on video, on our website, in our school prospectus or in any of our other printed publications
5. If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption.
6. If we name a pupil in the text, we will not use a photograph of that child to accompany the article without first obtaining parental permission
7. We may include pictures of pupils and teachers that have been drawn by the pupils
8. We may use group or class photographs or footage with very general labels, such as "a science lesson" or "making Christmas decorations".
9. We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.

I have read and understood the conditions of use
Parent/Carer Signature
Name of Parent/Carer
Date