



Use of Photographic Images of Children Policy

Partially Reviewed January 2019

This policy is currently under review following the introduction of GDPR on 25th May 2018

The ICO (Information Commissioner's Office) currently states that it's guidance:

'...has not been updated since the Data Protection Act 2018 became law. Although there may be some subtle differences between the guidance on this page and guidance reflecting the new law – we still consider the information useful to those in the media. This guidance will be updated soon to reflect the changes.'

Our existing policy is based on the guidance provided on the ICO website and we will update our policy as soon as the ICO have updated their advice and guidance. In the meantime our consent form has been updated following the advice of our Data Protection Officer.

Guidance on Photographs of Children

1. Introduction

This document provides guidance on the appropriate use of images of children in education. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff at St Michael's Primary School and is based on the model policy for Warwickshire County Council (WCC) and incorporates Staffordshire County Council's Guidance issued in July 2009.

Establishments, such as schools, need to make full and proper use of photographic images while meeting the law and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

2. Typical Uses of Photographs

- Key skills for PE.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures and the use of photographic equipment by parents and carers and children from the other school.
- Harvest, Christmas and Easter events or services (in school or Church)
- Media including newspapers and television especially when some editors require children's names when publishing photographs.

- Displays in the establishment of children's activities.
- Publications by St Michael's School and the Children and Lifelong Learning Directorate
- St Michael's School and the Children and Lifelong Learning Directorate web-sites.
- Staff training and professional development activities.
- Publicity material for contractors.
- Time lapse photography for recording of building development
- Site security / CCTV videos.

3. Governing Body

The Governing Body should formally adopt these guidelines as policy and good practice. Ensure that the child protection and health and safety governor are aware of and support the policies and procedures.

4. Ownership

Human Rights legislation and the Data Protection Act 1998 give people new rights and it is the right to 'privacy' that is the issue when using photographs. As a school we must take steps that respect the rights of people in photographs.

The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise.

5. Good Practice

The following advice represents good practice in the use of photographic images involving children.

1. When taking a picture St Michael's School or the Children and Lifelong Learning Directorate must obtain the consent of the person in the picture or from their parent or carer.
2. If using a photo from the media or commissioning a photograph, have a signed agreement.
3. Use the image in its intended context. Examples of this not happening are:
 - when a picture taken by a national newspaper of a child accepting an award was used by the National Front in a story with a completely different story angle.
 - When a photo of the public boarding a bus to launch a rural transport initiative is used to illustrate a story attacking rural transport shortages.
4. Follow the commitment made in the consent forms:
 - not to name the child;
 - not to use the photograph out of context;

- not to use the photograph to illustrate sensitive or negative issues.
5. When photographing children:
 - a. Ensure that parents and carers of young people have signed and returned the St Michael's School consent form for general photography (see appendix 1).
 - b. Ensure all children are appropriately dressed.
 - c. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
 - d. Photographs of three or four children are more likely to also include their learning context.
 - e. Do not use images of a child who is considered very vulnerable, unless parents / carers have given specific written permission.
 - f. Avoid naming young people. If one name is required then use the first name only where possible.
 - g. Use photographs that represent the diversity of the young people participating.
 - h. Report any concerns relating to any inappropriate or intrusive photography to the head teacher
 - i. Remember the duty of care and challenge any inappropriate behaviour or language.
 - j. Do not use images that are likely to cause distress, upset or embarrassment.
 6. Regularly review stored images and delete unwanted material.
 7. Keep the image for up to four years. After 5 years delete an image from the school's system or contact the relevant parent/guardian to obtain specific permission for the image to be kept.

6. Parental Permission

Use of images of children require the consent of the parent / carer. Permission should always be obtained by using the form in appendix 1, as each child starts school. The form covers both St Michael's School and the Children and Lifelong Learning Directorate when using the photographs in publications and on web-sites and also use of images in the media. The consent form informs parents of their responsibility to notify school if they wish to change their permission. If they do, they should notify the school office where a master copy of permissions granted is maintained. Where the school has no record of receiving a form, parental consent should be obtained each time the school is considering using their child's image. Where a change in circumstances occurs for a child which the school is aware of, the school may cease using images of that child altogether.

When a parent does not agree to their child being photographed, the class teacher must inform the headteacher who will make every effort to comply sensitively. For example, if a child whose parents have refused permission for photography is involved with a sports event, e.g. a football match, it may not be appropriate to photograph the whole team. Careful liaison with parents is therefore essential. With discussion it may be possible to agree other options. The parent may accept a team

photograph if names are not published or they may be prepared to relent if it affects the whole team.

When photographic images are transmitted or shared beyond the establishment e.g. television broadcasts, images on intranet sites, specific permission should be obtained.

7. Inter-School Fixtures

Apply these guidelines to inter-school events. If a vulnerable child is involved, it will be necessary to liaise with a member of staff from the other establishment so that they are aware of the wishes of the parents or carer of the child and seek the cooperation of the parents of the opposing team.

8. Teacher Training and Portfolios

During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images. A member of the management team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

9. 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.

10. Parents Evenings, Concerts, Presentations

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

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

Prior to the commencement of school events, the school will announce

“In line with St Michael's Primary School's Safeguarding Children and Vulnerable Adults Protection Policy, photographs may be taken only on the basis that they are for private retention and not for publication in any manner, including use on personal websites. Parents, carers and family members should refrain from the use of zoom or close range photography other than of their child. The school reserves the right to refuse any such photography or filming if there are concerns or complaints about its appropriateness”

Any concerns with photographers or video or film operators are to be reported to the Headteacher and where relevant, the Police.

11. Children Photographing Each Other

This practice can occur extensively during offsite activities particularly during residential periods. There may be incidents where children take inappropriate photographs, perhaps showing friends and other children inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's use of cameras and subsequent use of their images involved (see also section 14).

12. Newspapers

Several scenarios can occur:

1. Team photographs:

- When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The head teacher / manager should make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph may not be appropriate.

2. Photo opportunities:

- When an establishment invites a newspaper to celebrate an event, the head teacher / manager should make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- Almost without exception, this means the paper will prefer to publish the full names of anyone in a photograph they print. The only exception to this might be (as above) in a larger group shot (e.g.: a group of more than 10 children).
- However newspapers usually prefer to work with smaller groups of children – e.g.: three or four – and for this number names would definitely be required.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Establishments must give thought to this beforehand – and parental permission / opinion must be their key guidance.
- This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names

is withheld for one or more of the group - it might be possible to negotiate a 'first names only' agreement with the newspaper.

- Otherwise establishments must be prepared to forego newspaper publicity.

The school will try to inform parents or guardians if they are aware there will be press coverage of a school event.

13. Use of Internet / Intranet Sites

St Michael's has both a website and a Learning Platform. The site manager should know good practice and ensure that the establishment only uses appropriate images that follow this guidance. For example, if a child has successfully completed a gymnastics award, it would be appropriate to show the child in a tracksuit rather than leotard. Articles should be screened to ensure that individual children can not be identified. This includes ensuring that they can not be identified from the file name of any electronic image files that are placed on a website.

14. **Mobile Phones**

St Michael's CE (C) Primary School does not permit the use of mobile phones by pupils.

A number of procedures are in place regarding staff mobile phones:

- To minimise any risks, all personal mobiles must not be used where children are present. This applies to shared use of rooms where non-school staff may be present at the start of the session, for example an out of school club using a classroom with teaching staff present.
- Staff are responsible for ensuring that they have stored their personal phone safely and securely along with their other personal belongings. It is recommended that personal mobile phones are security marked, password protected and insured by the individual member of staff.
- Visitors, including other professionals, contractors and parents / carers must be made aware by signs and verbal reinforcement that they are not to use their mobile phone where children are present.
- Personal mobiles may be used in the designated areas at break times. (This is the staffroom at St Michael's.)
- Staff are advised to provide their work place contact number to their family members, own children's schools / settings for use in an emergency.
- St Michael's CE (C) Primary School will not be held responsible for any loss or damage of personal mobile phones.

15. Close Circuit Television (CCTV)

Increasing numbers of schools are installing such equipment for the following uses:

- As a method of controlling access.

- An aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.
- Pupil behaviour issues / bullying. As a behavioural tool during breaks and lunch times it can be used to identify hot spots of inappropriate behaviour. It may also be used to monitor within the building, corridors and areas out of sight or not frequently trafficked by staff, for example in the vicinity of toilets.
- As an aid to members of staff with particular responsibility for behaviour management.
- To monitor personal safety for site supervisors, caretakers, cleaners etc.
- To monitor site safety and security.
- As an effective deterrent for crime.
- As a means of crime reduction and discouraging trespass.

Types of Recorders

1) Video –

Images are recorded onto tape using usually, time lapse techniques. Banks of (usually) 31 days of tapes are retained so that a tape is allocated to each day. Images should only be retained for a designated period, this would not normally be any longer than 31 days. Tapes must be held in secure storage and the images erased and the tapes reused. Tapes require regular replacement, approximately annually to ensure clarity of images. Images on tapes must be erased before disposal.

- 2) Regular auditing of the stored images should be undertaken by a senior member of the management team.

3) Digital Images -

Increasingly the images are retained on computer hard drives. They should also only be stored for designated periods and then erased from the hard drive.

In both incidences it is essential that the images are retained securely and are viewed by designated, competent members of staff.

4) Cameras -

Several types of cameras are used, notably:

- Fixed-Wide angle lens.
- Dome cameras (rotary) with 360 degrees capacity.
- Corner mounted cameras with 270 degrees capacity.
- Manually operated pan tilt-zoom lenses. These have infinitely variable distance and angle capabilities and so can zoom onto individuals. It is therefore crucial that authorised and designated staff only have access to the equipment and that occasional and periodic monitoring of the images saved is

undertaken by a senior member of management. Images should be destroyed after the designated period.

- 5) Camera Sightings -
Every effort should be made to avoid inappropriate images and cameras should not be sighted in toilets, changing rooms or other sensitive areas.
- 6) Out of School Hours -
Cameras may record inappropriate activities taking place on the school site, without the school's knowledge. If they are of a criminal nature, consideration should be given by a senior member of the management team to referring the information to the police.

Again images should be erased in accordance with the procedures above.

While CCTV can be an extremely effective and useful crime reduction / deterrent device, careful use of the images and control by competent responsible staff is considered crucial.

16. Further Information

Further information on all aspects of child protection is available from:

Julie Astall – Education Safeguarding Officer

Tel: 01785 278958

Appendices

- 1 Annual Consent Form to be completed by parents
- 2 Announcement made prior to school performances and events

Appendix 1 St Michael's Primary School Photograph Consent Form

During a pupil's time with us we will gather information about them which we will use for various purposes. A Privacy Notice is available to them in relation to the use of this information, which is available on the school website <https://www.st-michaels-lichfield.staffs.sch.uk>.

There are some things that we cannot do unless you tell us that we can. We have set these out in the table attached. Please could you read this form very carefully and tick the appropriate options. This will let us know which of these things you are happy for us to do, and which you are not.

If you are not happy for us to do any of the things in the tables attached then this will not affect your child's place at St Michael's Primary School. You are completely free to refuse to provide your consent to any of these things. You do not have to provide reasons for refusing your consent, but we are happy for you to give us additional information if you choose to so that we understand any concerns that you have and can take appropriate steps where necessary.

Conditions of use

1. You can withdraw your consent at any time by making a written notice to the school at office@st-michaels-lichfield.staffs.sch.uk.
2. We may continue to use photographs of your child, after they have left St Michael's, for the purposes of which the images were originally taken.
3. We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on our website, in our school prospectus or in other printed publications.
4. We may include pictures of pupils and teachers that have been drawn by the pupils.
5. We may use group or class photographs or footage with very general labels, such as 'a science lesson' or 'making Christmas decorations'.
6. Our Safeguarding Policy allows us only to use images of pupils who are suitably dressed and all images are stored securely and adhere to GDPR regulations.
7. At events such as school performances and sporting events we ask that parents, family members and friends who wish to take photographs use them for their personal domestic use only and that under no circumstances should they be published, whether in paper format or on the internet, including social media and networking sites, without the prior approval of the parents of all children featured in the image.
8. Should you have any queries regarding the completion of this form, please contact the school office.

Please complete and return this form to the school as soon as possible

Child's full name: _____ Class: _____

At St Michael's Primary School we are very proud of the achievements of all of our pupils, and we want to be able to celebrate these both within the school and with others. There are times when we may want to report on a significant event such as a visit to the school from someone of importance, or an important sporting achievement. Whatever form of media we use, we are careful not to disclose the full identity of any pupil so the most information we would use would be **first name, class and photograph/video** for internal and/or external purposes.

The form below will assist you in identifying where your child's details may appear and gives you the ability to choose what information we can and can't use.

You can change your mind in relation to any of the consents that you have provided at any time. This includes withdrawing your consent to anything that you have agreed to below. To withdraw, all you need to do is email office@st-michaels-lichfield.staffs.sch.uk

Internally: Display Boards, Newsletters, Video

Externally: School Website, Newsletters, Video, Information Pack, Local Media (television, papers and websites), National Media (television, papers and websites)

If you are happy for your child's **first name, class and photograph** to appear in **ALL** internal and external forms of communication please tick this box.

If you would like only some of your child's information used, please tick the following:-

PERSONAL DETAILS	INTERNALLY		EXTERNALLY	
	YES	NO	YES	NO
Photograph/First Name/Class				
First Name/Class				
Photograph only				

I have read and understood the conditions of use on the back of this form.

Parent/Guardian Signature _____ Date: _____

Name (block capitals) _____

Appendix 2

Announcement before Performances

In line with St Michael's Primary School's Safeguarding Children and Vulnerable Adults Protection Policy, photographs may be taken only on the basis that they are for private retention and not for publication in any manner, including use on personal websites. Parents, carers and family members should refrain from the use of zoom or close range photography other than of their child. The school reserves the right to refuse any such photography or filming if there are concerns or complaints about its appropriateness