

ST MARGARET'S CE PRIMARY SCHOOL STOKE GOLDING

“The roots to grow and the wings to fly”

USE OF IMAGES GUIDANCE / POLICY

*This policy should be read in conjunction with the IPAT
Data Protection Policy 2018*

This policy will be reviewed every 3 years by the Governing Body

Reviewed by Emma Prokipczuk (based on LCC Operational policy and guidance Images of children and young people May 2015)	November 2018
Adopted by Governors	December 2018
Signed on behalf of Governing body	
Next review	Autumn 2021



Friendship, Respect, Truthfulness, Perseverance, Thankfulness, Forgiveness and Citizenship

1.0 Introduction

- 1.1 Leicestershire County Council takes very seriously its responsibility to protect and safeguard the welfare of the children and young people entrusted to its care. For this reason, the guidance in this Code of Practice has been developed to advise those in Leicestershire Education Establishments, in order to ensure the privacy and safety of all concerned.
- 1.2 There is considerable debate concerning the issues of access to inappropriate materials by pupils and also the dangers inherent in publicising personal information and images (e.g. photographs) of pupils, families and even staff members. The General Data Protection Regulation (2018) has to be considered as it now covers the use of images. To this, can be added the technological advances in mobile devices e.g. smartphones, tablets having direct links to the internet. Finally, there is increasing evidence of cyberbullying of pupils and staff through the misuse of internet enabled devices.
- 1.3 These continuing changes in technology require that guidance must also evolve to protect our pupils and staff. Everyone needs to be aware that images are potentially available for a large audience to view, and crucially, we need to be aware that children and families need to have their privacy protected as far as possible.
- 1.4 It must not be forgotten that there are an increasing number of vulnerable children and young people. Family member separations require sensitive handling, particularly in situations where one of the parents has been denied access to or not allowed to know the whereabouts of a child or young person.
- 1.5 Occasionally, members of the press may take photographs or film footage at an educational establishment. Although the press are exempt in certain circumstances from some of the principles of the Data Protection Act, some parents may object to images of their children appearing in the media.
- 1.6 The use of images of children raises particular legal issues. These images should only be used in a purposeful manner and with the greatest sensitivity. The most careful consideration should be given to their potential inappropriate use. Issues to be considered are: -
 - Close up shots
 - State of dress
 - Camera angles
- 1.7 This guidance applies to the use of images of children and all young people. It is intended to raise awareness of the issues. Further detailed legal advice should be sought if videos or films are to be made involving young people for broadcast or web use.
- 1.8 We acknowledge the guidance produced by Norfolk, Suffolk, Hampshire and Warwickshire County Councils, which has been used as a basis for some areas of the advice contained in this Code of Practice.

- 1.9 Whilst the advice concentrates on images of pupils/young people, you should not forget that you will need to support staff in a similar manner. Written permission from teachers and other adult staff, helpers and volunteers should be obtained in order to use their photos for example.
- 1.10 There has also been an increase in the instances of cyberbullying of staff. This will require management by a Headteacher or manager. Up to date guidance is available from the Department for Education.

Preventing and tackling bullying - Department for Education

2.0 Use of Images by Media

2.1 Several scenarios can occur:

a. 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 Headteacher 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.

b. Photo Opportunities:

- When an establishment invites a newspaper to celebrate an event, the Headteacher will 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.
- 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 example a specific group of children have achieved something, and parental permission of 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.

Parents at St. Margaret's are given a form when their child first starts school asking if their child's photo can be used in the media. If the media require full names with the photo, school will always ring parents to check.

2.2 Portrait Photography in Schools

Many schools allow professional photographers to come into school to take portrait photographs of individual children, groups or classes. These are then offered for sale to parents.

Schools should make it clear to parents that this is essentially an arrangement between the photographer and the parents. Schools may facilitate this arrangement, but cannot take responsibility for issues such as copyright and the use of images held by the photographer.

Nevertheless, as a matter of good practice, schools must: -

- Take reasonable steps to ensure the photographer is bona fide and reputable.
- Ensure that parents know about the photo sessions before they take place and have an opportunity to withdraw their children.
- Ensure that children whose parents have objected are not photographed.
- Provide reasonable supervision during the photo sessions.

We are also aware that some professional photographers are placing the "proof" photographs of the portraits taken on their company website, so that parents can then view them via the Internet and order them directly from the company.

Schools are advised to check such arrangements closely, and to ensure that parents are clearly informed of the process prior to any photographs being taken, and being given the opportunity to withdraw their child from the photographing session. See sample letter 2 for guidance.

2.3 Ownership of the Image

The ownership is subject to the contractual arrangement between photographer and the parent commissioning the photograph i.e. the parent who completes the actual order form.

2.4 Conclusion

It is always wise to remember that there can be very sound reasons why parents or guardians would not want some children's images published. All schools should remember that if there is no consent from the parent, then no filming or photographs are to be taken that could identify the individual child.

3.0 School Websites

3.1 Background

Schools now have their own websites. The challenge is to ensure that all schools take a safe and sensible approach to developing an interesting, informative and effective website while giving careful consideration of the use of images and digital video.

3.2 Use of Images

Including images of pupils on the school's website can be motivating for the pupils involved and provide a good opportunity to promote the work of the school. It is important to balance the potential risks of including images of pupils on the website against the design principles of creating colourful, attractive and relevant pages as the school would wish to do with any publication.

Parents at St. Margaret's are given a form when their child first starts school asking if their child's photo can be used on the school website. Only first names will be used.

When assessing the potential risks in the use of images of pupils, the most important factor is the potential of inappropriate use of images of children. Considerations that all schools should take into account when developing a policy would include: -

- Asking for parental permission before using images of pupils, whether on the school website or elsewhere. This ensures that parents are aware of the way an image of their child is representing the school. A parental consent form is one way of achieving this.
- Avoiding the use of names of individuals in a photograph. This reduces the risk of inappropriate, unsolicited attention from people outside the school.
- An easy rule to remember is:
 - if the pupil is named, avoid using their photograph
 - If a photograph is used, avoid using the name of the pupil.
- Consider using group photos rather than photos of individual children
- Ensure that the image file is appropriately named
- Only use images of pupils in suitable dress to reduce the risk of inappropriate use
- Create a recognised procedure for reporting the use of inappropriate images to reduce the risks to pupils.

Schools may also wish to give consideration to the way in which video clips are made available on their website. If posted on a web server, video clips can be downloaded and saved to the viewer's desktop. Once downloaded the school has no control over the way in which the video is viewed, edited or distributed. Safety precautions such as the streaming of video should be considered. Streamed video can only be viewed and not downloaded. In addition streams can be logged and monitored including details as to who logged on, when and how long the viewer has watched the video. These logs could indicate whether a particular user is showing an inordinate amount of interest in school videos.

3.3 General Advice with Regard to Use of Pupils Images on the Website

The measures described below can help to reduce the risk of inappropriate and/or unsolicited attention.

- When considering the use of photographs of children, avoid close up pictures of individual children where possible and instead use general shots of the classroom or group activities. Decide whether there is a need for the school and the pupils to be identified at all. If there is such a need, avoid captions that give the children's full names or include personal details such as email addresses, home addresses and telephone numbers.

- Only use images of pupils in suitable dress e.g. school uniform, but remember that children can be identified through logos or emblems on sweatshirts etc. Sometimes it may be necessary to airbrush or “fuzz out” the relevant part of the image. It may also be inappropriate to use images or footage of pupils doing PE even if the school and/or pupils are not identified.
- On no account must the family name or domestic situation of a pupil be revealed, even if this is through the content of the pupil’s work.
- A consent form should be used by schools to ask for parental permission to use an image of a pupil and explain the purpose for which the image will be used and whether it will be retained for further use. If necessary the school should offer assurances that the images will be securely stored and used only by those authorised to do so. Schools are advised that this opportunity should be taken to reassure parents who may have concerns. This ensures that parents are fully aware that the image of their child is being used.
- Using photographs of items designed and made in technology lessons, together with excerpts from written work and scanned images of art work, allows pupils’ work to be exhibited to a wider audience without increasing the risk of inappropriate use of images of pupils.
- In exceptional circumstances where those with parental responsibility specifically wish their child to be photographed and named for a specific purpose. If so then this parent must give their consent to this in writing to the school.

4.0 School Prospectus and Other Literature

- 4.1 Although most school literature is sent to a very specific audience, it must be recognised that the school prospectus is circulated more widely, and again it would be best to avoid using personal details or full names of any child in a photograph. Again, avoid naming a child in the text or accompanying photograph caption if they appear in a photograph and vice versa.

5.0 Photography or Filming by Parents

- 5.1 It is natural for parents to want to record their children’s time at school, especially when they take part in activities such as sport, concerts, nativity plays or other types of show. Issues can arise when photography/video recording/filming takes place at such events.

These issues could include: -

- Disturbance to other members of an audience
- Distraction to those pupils taking part
- Copyright restrictions
- Parental objections
- Child protection concerns.

- 5.2 The decision on whether or not to allow photography, filming or video recording rests with the Headteacher in consultation with the Governing Body. The decision would have to be

taken in light of individual circumstances, and the issues raised above, together with circumstances surrounding the individual school such as geographical location, size of the hall, age of the pupils involved etc. However any decision taken should be communicated to parents in writing well in advance of any event or performance.

- 5.3 The Headteacher and Governors will allow photography or filming. Parents should be given an opportunity to object in writing to their child being included in any such photographs (see sample letter 1). Where an objection is raised, the school will need to consider ways in which the difficulties this causes can be overcome. It may be possible to achieve this without having to reverse the original decision.

6.0 Use of Photographic Filming Equipment at Sporting Events

- 6.1 Make sure that only images of pupils in suitable dress are taken to reduce the risk of images being used inappropriately. Head Teachers should use their common sense judgement about the photos used/taken. Particular care should be taken with photographs taken during PE, gymnastics and swimming lessons.

7.0 Areas Where Photographic and Recording Equipment (Including Mobile Phones) May Be Forbidden

- All changing areas
- Toilet areas

- 7.1 The managing authority of each type of these facilities may have their own policies in relation to the taking of photographs.
- 7.2 Head Teachers should check with the relevant authority as to their policy, before pupils use these facilities.

8.0 Mobile Internet-enabled Devices

- 8.1 The 2012 Statutory framework for the Early Years Foundation Stage requires schools and early years settings to have a mobile phone policy (page 13 paragraph 3.4). <http://media.education.gov.uk/assets/files/pdf/eyfs%20statutory%20framework%20march%202012.pdf>
- 8.2 Within Leicestershire there is a variety of practice between phones being totally banned, some only being available for use at lunchtimes whilst other schools allow a more open policy.

Staff at St. Margaret's are able to use their mobile phones at appropriate times of the day but they are NOT to be used to take photographs.

- 8.3 There are significant concerns over the safety, security and wellbeing of young children and young people, either as users of mobile technology or as victims of misuse.
- 8.4 Whereas, with a traditional camera, it is normally obvious that the user is taking a photograph, this is not always the case with a smartphone. Most phones are small and discreet, and this could lead to children and young people being photographed without their consent or knowledge, possibly in an inappropriate situation. (We have had instances of phones being used to take inappropriate photographs under/over toilet doors or partitions). This is an invasion of privacy and can be extremely distressing for the subject of the photograph. There have also been cases where phones have been used for bullying.
- 8.5 In summary, the risks with mobile phones are: -
- They are very small and can be used without the subject knowing.
 - They can be used to bully other children.
 - They can be used to cheat in tests, exams etc.
 - It is not obvious that a picture is being taken.
 - Visitors to schools do not have to declare that they are carrying one.
 - Once an image is taken, it can be modified and misused.
 - They are compact, easy to use and no “flash” is given off.
- 8.6 The ease with which photographs can be distributed is also a serious concern. Photographs can be quickly forwarded on to others or even distributed to websites. Once released in this way, it is impossible to track down and permanently delete images.
- 8.7 Photographs could also include clues as to the individual’s location, such as the school name in the background or imbedded location information via GPS, which if distributed inappropriately, could lead to the risk of contact by strangers. Again individual schools must decide on their own policy regarding camera phone use within schools, based on a clear understanding of the risk.
- 8.8 “Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings” has clear guidance about photography and videos which needs to be followed. There should be no unauthorised photography of children and any photographs should be the property of the school and not retained on personal equipment.

9.0 Pitfalls and How to Overcome Them

9.1 Re-using Old Images

Some of the most serious problems have arisen when images taken for one purpose have been used for something entirely different. This is likely to constitute a breach of GDPR. Remember - new use requires new consent. This can be difficult to obtain for pictures that have been stored for some time. It may be easier and safer to use a new image which has been obtained and cleared to illustrate the subject in hand.

9.2 Sensitive Issues

If you need general pictures for publicity purposes, contact the Administration and Business Support Team, as they may have access to suitable images from within the Department, or also the Council's Public Relations Team.

9.3 Storage of Images

Whether your images are stored as printed photographs or electronically, you must ensure that they are secure and are clearly labelled and dated so that they cannot be used without proper consent and can be deleted/destroyed after the elapsed usage or time.

9.4 Risks of Access to Stored Images

You must (under the Data Protection Act) ensure that parents or individuals have access, upon request, to stored images of their children or themselves.

9.5 Destruction of Images

Images should not be held for an unreasonable length of time. The attached consent forms specify a 1 year period before the images are destroyed/deleted. Ensure that if images are deleted that they are fully deleted from the system. For example, a deleted image from a computer could potentially still be stored somewhere else on the hard drive.

9.6 Web Images

It is very easy to download images from the Internet, but this does not mean that it has been cleared for general use. Unless you know that an image has been cleared, do not use it.

Sample Letter 1

Where a school proposes to place no restrictions on photography at a school event.

Dear Parent,

Later this term we will be holding our school play. All the children have been working hard to ensure that it is well up to our usual standard when the performances are held on XXXXXXXXXXXXXXXXXXXX.

Many parents like to take photographs and take video recordings of their children during the performances. Having discussed this with our Chair of Governors, we see no reason to place any restriction upon photography or video recording during the performance, but please be aware that it can distract the children and disturb other members of the audience.

If anyone whose child is taking part in the play is concerned about this decision, please contact me at the school, either in person, or on our usual number.

Tickets will be available nearer the performances, but in the meantime you might like to put these dates in your diary.

Yours, etc

Head Teacher

Sample Letter 2

Portrait photography by a professional photographer in school.

Dear Parent,

Portrait Photography

On X-date a professional photographer, XXXXX, will be coming into school to take pictures of the children. Mr/Ms XXXXX regularly photographs at this and other schools and we are happy to provide facilities in the usual way.

If you do not wish your child to be photographed, please contact the school before the photography takes place.

Otherwise, the photographer will send proofs home with children as soon as they are available and you will be able to decide whether or not to place an order.

[Mr/Ms XXXXX has advised that they place the photographs on a web site for parents to view and order on-line. Please let us know if this would not be acceptable] Include if applicable.

Please note that while the school is happy to facilitate this photography, it is essentially an arrangement between the photographer and you as a parent. The school does not hold the negatives or the copyright and is not responsible for your orders, or the future use of the pictures.

Yours, etc

Head Teacher