



## Northbourne Park School

### Policy and Guidance on the use of Photographic Images of Children

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### **Introduction**

Digital technology has increased the use and potential misuse of photographic images (printed, digital and video images) and concerns about allowing the filming of children & young people's events and publishing their pictures to websites has prompted Northbourne Park to have a consistent, legal and up to date policy about the use of photographic images.

Most abused children are abused by someone they know. We have taken the view, that the risk of a child being directly targeted for abuse through being identified by a stranger is small. We think providing reasonable steps are taken to ensure photography is appropriate and the full name and contact details are protected that photography for school and other events by staff, families and the media should be allowed.

We are aware that the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police. Generally, photographs for school and family use and those that appear in the press are a source of pleasure and pride. They usually enhance self-esteem for children and young people and their families and the practice should continue within safe practice guidelines.

As a staff, we use official school equipment to take photographs or videos and not personal mobile phones.

#### **1. Issues of Consent**

The Data Protection Act 1998 and the GDPR regulations govern the use of photography in Schools. For the purpose of the Act, an image of a child is personal data and it is a requirement that consent is obtained from the parent of a child or young person under the age of 18 years (or the child him or herself if deemed competent from 12 years old as suggested by the Information Commissioner) for any photographs or video recordings for purposes beyond the school's core educational function (e.g. school websites, school productions). It is also important to ascertain the views of the child concerned.

As it is likely that there will be a number of occasions during a child's time in educational activity when the school may wish to photograph or video pupils, the school seeks consent when the pupil starts at the school, to last for the duration of their stay.

There will also be times where organisations will be carrying out off-site activities, e.g. activity holidays or educational visits. In these circumstances it is likely that the organisation will want to make some visual record. It is also likely that children and young people will want to make their own visual records with mobile phone with cameras and digital cameras.

The *NPS Photographic Consent Form* For events both in the school setting and events off-site, which are photographed for publicity purposes, a signed consent form is obtained from the child's parent/guardian or the child and kept on file covering all cases where images of children are to be published beyond the parameters of school use.

Where children are 'Looked After', schools will check consent on the corporate parent's behalf with the social worker and there may be other situations, (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the class teacher to be at stake, indicating the need for extra care.

Consent gained for photographs or videos may not extend to website or webcam use, so it is important to check, when introducing such technology, the status of existing consent for pupils or models.

Parents retain the right to withdraw consent at any stage, but they need to do so in writing.

## **2. Planning photographs of children**

Images and details of pupils published together allow for the remote possibility that people outside the school could identify and then attempt to contact pupils directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, use general shots of classrooms or group activities rather than close up pictures of individual children. Consider the camera angle; photographs taken over the shoulder, or from behind are less identifiable.
- Use images of children in suitable dress, and take care photographing PE or swimming events to maintain modesty, using team tracksuits if appropriate for example.
- Remember to include images of children of different gender and ethnic backgrounds in our communications wherever possible, and positive images of children with disabilities to promote the school as an inclusive community, and to comply with the Disability Discrimination Act.
- Children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, consider airbrushing logos.
- Consider alternatives. Is a photograph of the children necessary, or could an article be illustrated by the children's work for example?

### **3. Identifying children and young people**

- If the pupil is named, avoid using their photograph. If the photograph is used, avoid naming the pupil.
- We recommend that staff use the minimum information. Avoid accompanying a picture with the pupils' names, the year group, or the school.
- When *fully* naming pupils in any published text, whether in the school's brochure, website, or in the local press, avoid using their photograph, unless you have parental consent to do so.

### **4. Using photographs of children supplied by a third party**

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it. Commissioned photographs for use at school/setting or work include the statement that the school owns the copyright for items taken on our behalf.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain their written or verbally recorded permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the Internet are also subject to copyright. Do not use sources like Google images to find photographs use a reputable stock images website or take advice.

Third Parties will generally be under the same obligations as your school to obtain parental consent to the use and distribution of photographs. You should therefore ask the third party to guarantee to you that all relevant consents have been given and that they are entitled to provide you with the image.

### **5. Use of Images of children by the Press**

*(Please refer to the recommendations in section 3 above; 'Identifying Pupils')*

There may be occasions where the press take photographs of pupils at the school. The consent form attached (PC2) attempts to highlight the potential risks for parents so that they can make an informed decision about whether to agree to their children being featured in the press and whether their full name should accompany the photograph.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given the school's responsibility to parents and pupils, it is sensible to check that broadcasters and press photographers you may be chaperoning on your school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

## **6. School Prospectuses and other literature**

Although most school literature is sent to a specific audience, we avoid using personal details or full names of any child in a photograph.

## **7. Videos**

Parents can make video recordings of nativity plays and other such events for their own personal and family use, as they are not covered by the Data Protection Act. (Please refer to section 10). The school sometimes adopts the policy of taking an official video of the event and making copies available to parents.

## **8. Websites**

Web use can be of particular concern to parents and staff because of the potential misuse of images. With digital photography there is the remote possibility that images of children could be produced, manipulated and circulated without the parents or children's knowledge. The dual concern which follows such a risk is that children might be exploited and a school or setting might be criticised or face legal action.

Images on websites can be made more difficult to copy by several measures - copy-protection, overlaying with a watermark, or published in low definition. It is important to take care with identification and to respect parental views on the use of any photography of children on a website.

Increasingly users are generating content for websites e.g. children and adults placing pictures on **Social Networking** sites. The school ensures that children, staff and parents understand the risks involved and adopt safe practice when generating content for school related websites. Consent is sought from parents before posting images of their child on any social platform.

## **9. Webcams**

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 the area, in order to consent to being viewed in this way. Children should be consulted and adults would need to consent as well as the parents of all the affected children.

In gaining consent, you must tell the person why the webcam is there, what you will use the images for, who might want to look at the pictures and what security measures are in place to protect access.

The current DCSF advice on Teachernet advises about both benefits & risks and states "unless a webcam is a response to a specific threat or difficulty in relation to either crime or health

and safety it may pose more difficulties for the school than it would actually resolve. If you want to use a webcam, we would advise careful parental, staff, and legal consultation”.

#### **10. Parental right to take photographs**

Parents are not covered by the Data Protection Act 1998 nor GDPR (2018) if they are taking photographs or making a video recording for **their own private use**. The Act does not, therefore, stop parents from taking photographs or making video recordings at school events, such as nativity plays.

Parents are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a school event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 and GDPR (2018) would be breached. The consent form attached reminds parents of this fact.

#### **11. The storage of photographs**

Photographs must be maintained securely for authorised school use only and disposed of either by return to the child, parents, or shredding as appropriate. Storage should include reference to the permissions obtained and their currency and staff should be aware that images should not be removed from institutional computers and taken home. If permission is withdrawn for a photograph it must be edited from the storage immediately.

#### **12. Official School Photographs**

Schools & settings will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. It is essential that when considering such an activity schools undertake their own risk assessment in terms of the validity of the photographer/agency involved and establish what checks/vetting has been undertaken (e.g. DBS). Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present on the school site.

#### **13. Images taken by young people**

We do not allow children to use mobile phones, camera phones and digital cameras. Children and young people may need to be made aware that taking and distributing inappropriate photographs may be a criminal offence.