

St. Margaret Clitherow's Catholic Primary School

(Part of St. Oswald's Catholic Voluntary Academy)



Using Images of Children Policy

September 2017

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Review Date:	September 2018

Introduction and Background.

This policy is to be read in conjunction with St Margaret Clitherow's Facebook Policy, Social Media Policy, Child Protection Policy, iPad Contract and the Child Protection Policy.

We live in an age when digital technology has vastly increased the use, and potential misuse of photography.

This policy will outline the use of children's images in school and protocols that staff should follow to ensure we are compliant with the Data protection Act 1998.

We aim to maintain trust in the parent-school relationship, and to enable those parents with particular concerns, for whatever reason, to be able to specify what they withhold consent for.

Generally, photographs in school are used to enhance the learning environment and to celebrate achievements of our children. Photographs that appear in the press are also a source of pleasure and pride which we believe will enhance self-esteem for children and young people and their families. We feel this practice should continue within safe guidelines.

The following guidelines have been drawn up by St Margaret Clitherow's Primary School concerning our approach to photography used by and taking place in school. Throughout this policy the use of images is meant to include photographs, digital photographs, webcam, film and video recordings though this list is not exhaustive and should be used as a guide.

1. Issues of Consent.

The Data Protection Act 1998 affects our use of photographs. This is because an image of a child is personal data for the purpose of the Act, and it is a requirement that consent is obtained from the parent or guardian of a child or young person under the age of 18 for any photography or video recordings. It is good practice to gain the permission of parents for the use of all images within school including use in classrooms, on the school website or Facebook page or for use in displays around school.

A signed consent form will be obtained from the child's parent/guardian and kept on file, covering all cases where images of children are to be used showing where images may be used and allowing for parents to give or decline their consent for any or all of these occasions.

Where children are 'Looked After' school will check consent on the corporate parent's behalf with the Social Worker. 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 school to be at stake, indicating the need for school to take extra care when gaining permission for the use of images.

Parents retain the right to withdraw their consent at any stage, this should be done so in writing.

2. Planning Photographs of Children.

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

- Use images of children in suitable dress, and take care when photographing P.E events to maintain modesty (any images pertaining to swimming need to be carefully considered).
- Aim to include images from children of different backgrounds in communications where possible, and positive images of children with disabilities to promote the school as an inclusive community, and to comply with the Disability Discrimination Act.
- Consider alternatives. Is a photograph of the child necessary, or would an article be as well illustrated by the children's work, for example?

3. Identifying Pupils.

The DFE advises the following, as a broad rule of thumb, where consent is unclear;

- If the pupil is named, avoid using their photograph. If a photograph is used, avoid naming the child.

St Margaret Clitherow's will follow this advice in school and no child's name shall be used with an image in anything produced or published within school. Particularly when using images on Facebook or the school website no child will be named with any part of their name in any text linked to a photograph. (See Facebook Policy)

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 has as the creator of the work to prevent others exploiting their work and to control how others use it.

Before using a photograph supplied by a third party Teachers will check that the third party owns the copyright in the photograph and will 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.

Third parties will generally be under the same obligations as your school to obtain parental consent to the use and distribution of photographs. St Margaret Clitherow's will therefore ask the third party to guarantee that all relevant

consents have been given and that they are entitled to provide us with the image.

5. Use of Images of Children in the Press.

There may be occasions when the press take photographs of pupils at school. Many schools continue to allow newspapers to use the children's names alongside photographs of school events, provided that parents give their consent. This is the position of St Margaret Clitherow's Primary. School will always seek extra permission from the parent/guardian for the images of their children to be used in the press as their name is likely to appear with the image.

It may be appropriate to ask the Press if, when publishing a group photograph, they could avoid printing the children's names in left-to-right order (which is the traditional method), thus making it harder to identify individual children.

To a great extent, the manner in which the media approach children is restricted by the media industry's own codes of practice, as well as by law. Journalists should not photograph or interview children under the age of 16 without the consent of a parent or another responsible adult, and children should not be approached at school without the school's permission.

It will be made clear to any Press photographer any child whose parent/guardian have not given permission for their child's image to be used. It is the responsibility of the class teacher to ensure any child, whose parents have not given permission, do not have their image taken by a member of the Press. If access is granted, it should be made clear in advance to journalists on what basis they are being allowed to take photographs and what use they can make of the images and the pupil's names.

6. School Prospectuses and other Literature.

Although most school literature is sent to a specific audience, names will not be used with images of the children.

7. School productions.

The use of videos and photographs at nativity plays and other school productions and events.

Parents/Carers are not required to comply with the Data Protection Act 1998 when taking photographs for their own private use of their children at an organised event

Parents/Carers are not permitted, however, to take photographs or to make a video for anything other than their own personal use. Recording and/or photographing other than for private use would require consent of all other parents/carers whose children may be included in the images. To make sales or pass on copies without this could be a breach of the Data Protection Act.

We will allow parents/cares to photograph or video their child at the end of productions or events as long as;

When hosting an event where parents are permitted to take photographs or videos, it should be made clear from the start that any images taken are for private use only and if they include others, they must not be put on the web/internet (including Facebook and other social media sites) without the express consent of the parents of other children in the image; otherwise Data Protection legislation may be contravened. We will aim to give verbal guidance to parents at the start of an event.

In relation to child protection considerations, we need to be as certain as possible that images reproduced are appropriate and they are not reproduced elsewhere without consent. It is important, therefore to be sure that people with no connection with the school do not have the opportunity to film covertly. School staff should be prepared to question anyone they do not recognise who is using a camera or video to record images at a school production. **With this in mind it is school policy that during a production, photographs and videos will not be taken. An opportunity for photographs will be given at the end of production and must only be of their own children.**

Those parents and carers known to the school and helping with an event, such as assisting with children dressing and changing, should not take photos whilst doing so.

It is acceptable in relation to the Data Protection Act for the school to film and then sell videos of events as the children's names would not be associated with their image and it would still be for the personal use of those involved. These videos or photographs should not be resold or used for other purposes such as newspapers or media coverage.

School Production/event checklist;

- Events can not be videoed or photographed but there will be an opportunity at the end of the performance.
- Display/distribute 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 an event that any images must be taken for personal use only and remind them such images should not be put on the internet (including Facebook and other social media sites), otherwise Data Protection legislation is likely to be contravened.
- Be sure that people with no connection with school do not have the opportunity to film covertly – remember to ask staff to quiz anyone not recognised who is using a camera or recording equipment at an event.
- If a video is produced by the school of a production, avoid attaching a cast list as this would require additional parental consent so as not to contravene the Data Protection Act.

Guidance for Parents.

'Use your camera and video courteously' code – a guide for parents who wish to photograph and/or video 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 proceed safely and with regard to the law.

- Remember that parents and carers attend school events at the invitation of the Headteacher and the Governors.
- The Headteacher and the Governors have the responsibility to decide if photography and videoing of an event is permitted.
- The Headteacher and Governors have the responsibility to decide the conditions that will apply in order that the children are kept safe, the performance is not disrupted and the children and staff are not distracted.
- Parents and Carers can only use videos and photographs and videos for their own personal use. Such photos and videos cannot be sold and must not be put on the internet (including Facebook and other social media sites) due to Data Protection legislation, which in such circumstances is likely to be contravened.
- Recording and/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 the photography/videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and Carers must not video/photograph children whilst they are changing for performances or events.
- If you are accompanied or represented by people that school staff do not recognise, they may need to check who they are if they are using a camera or video recorder.

8. Websites

This area has received a lot of publicity due to a potential or perceived increase threat of abuse. 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 may be criticised and/or face action.

It is important to take care with identification, and to respect parental views on the use of any photography of children on a website.

We will continue to post photographs on our school website, but pupils will never be identified by name with an image on areas accessible to the general public. We will aim to post group photos where possible.

9. Parental right to take photographs.

Parents are not covered by the Data Protection Act 1998 if they are taking photos or video for their own private use. The Act does not, therefore, stop parents taking photographs or videos at school events, such as nativity plays (see section 7)

Parents are not permitted to take photographs or make video recordings for anything other than their own personal use. 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 would be breached.

11. The storage of images.

Photographs must be maintained securely for authorised school use only, and disposed of by return to the children parents/carers, shredding or deleting as appropriate. Digital photographs will be stored on the Shared or Staff areas of St Margaret Clitherow's network. Teachers are responsible for removing photographs from their iPads and putting them on the network rather than storing them on their iPads. They are also responsible for disposing of printed copies of photos. If the photo is of an individual child it can be given to the parent. If there is more than one recognisable child the photo must be disposed of by shredding.

12. Official school photographs.

At St Margaret Clitherow's, we periodically invite an official photographer into school to take portraits of individual children and/or groups. A risk assessment considering such an activity in terms of the validity of the photographer involved and establishing which checks have been undertaken will be carried out. 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. Useful sources of information.

www.safety.ngfl.gov.uk/schools

www.wiseuptothenet.co.uk

www.dataprotection.co.uk

www.pcc.org.uk/cop/cop.asp (Press Complaints Commission Code of Practice)

www.internetwatch.org.uk

www.teachernet.gov.uk

In reference with academy policies

- Staff code of conduct
- Governor code of conduct
- Child Protection Policy
- Internet Acceptable Use policy
- Facebook Policy