



Use of Photographic & Video images of children

Policy Name	Use of Photographic & Video Images of Children Policy
For Review and Approval by	FGB
Date of Approval	May 2018
Review Period for this Policy	Annual
Date for Future Review	May 2019

Implementation of this policy supports the duties to promote equality of opportunity and positive attitudes in relation to disability, gender and race and to eliminate discrimination on the grounds of age, disability, gender, race, religion or belief and sexual orientation.

Policy Approved by	FGB
Signed	Wendy Tout
Position	Chair of Governing Body
Date	

Date	Changes
2.11.16	Changes to CHARGING FOR PHOTOGRAPHS/VIDEOS. Added closed to circuit television Changes to digital images- word stored added

AIM

Montpelier Primary School agrees to comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998 when using and/or authorising the use of photographic and video images of children and will ensure that:-

- (i) where necessary, consent has been given prior to the taking and use of images on school premises, particularly where these show pupils,

and

- (ii) such images are used in a manner respectful of the eight Data Protection Principles and also of the rights conferred to individuals under these Acts.

CONSENT

The School will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to the school's educational role. This is because an image of a child is personal data for the purposes of the Data Protection Act 1998 and it is a requirement of the Act that consent is obtained.

Due to the number of occasions during a pupil's time at school that the School may wish to photograph or video the pupil, the School will seek the consent of parents or legal guardians when the pupil starts at the School. This policy and consent will cover the whole of the pupil's intended time at the School.

The School will at all times consider the need to revisit the consent in the event of a pupil's circumstances changing.

The consent of a parent or legal guardian will normally be obtained in writing. However, it is recognised, that it is not always possible to obtain written consent and, in these circumstances, verbal consent is acceptable. If verbal consent is obtained it will be recorded in writing by the member of staff obtaining the consent (sample forms for obtaining and recording consent are attached to this policy documents).

The School will continue to use photographs or videos of children who are no longer pupils of the school, unless consent has been specifically withdrawn.

The School will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as future school websites etc.

CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN

When considering the use of images of children, the School will ensure that:-

- (i) Where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of classroom or group activities taken.

- (ii) Where possible only images of pupils in suitable dress (e.g. school uniform) will be taken. Even in a sports context, where practical, photographic/video images of children in PE or swimming gear will be avoided. Wearing team tracksuits is considered a good alternative.
- (iii) When a photograph or video image of a child is used, the child's name will not normally accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- (iv) When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a school brochure or on the School's website, a photograph/image of the child will not appear with the text, unless special permission is obtained.
- (v) No details of home telephone numbers, e-mail or home addresses are given.
- (vi) Where pupils/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them or their school) the School will seek additional parental/legal guardian permission for the child to be named.

USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY A THIRD PARTY

The school recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, the School will ensure that it checks that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

USE OF IMAGES OF CHILDREN BY THE PRESS

There may be occasions where the press take photographs at school of pupils. The press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes.

Generally, parents and relatives take pride in "press cuttings" which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result the School will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached to this policy document covers this area.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children by the press. The school will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

The following are examples of the types of scenarios that can occur:

Team Photographs

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

Photo Opportunities

- (i) When an establishment invites a newspaper to celebrate an event, the Headteacher/Manager will make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- (ii) It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. The school will give thought to this beforehand – and parental permission/opinion will be the key guidance.
- (iii) This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- (iv) 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 – the school will endeavour to negotiate a 'first names only' agreement with the newspaper.
- (v) Should this not be possible the school will be prepared to forego newspaper publicity.

PARENTAL RIGHT TO TAKE PHOTOGRAPHS ETC.

Parents are not covered by the Data Protection Act 1998 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. However, the School reserves the right to refuse parents this opportunity for health and safety reasons, such as the use of excessive flashlight, bulky or noisy equipment.

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 would be breached.

The school will make every effort to ensure that people with no connection to the School do not have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

USE OF A PROFESSIONAL PHOTOGRAPHER

The School will ensure that any professional photographer engaged to record a school event is prepared to work according to the terms of this policy document and the following guidelines:

- (i) In the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the Data Protection Act 1998.
- (ii) Photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.
- (iii) Photographers will be asked to sign up to an agreement with the school which will include:
 - Compliance with the Data Protection Act 1998 (most professional photographers will be aware of these requirements).
 - That material may only be used for School’s own purposes and that permission has not been given to use the photographs for any other purpose.
 - That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfil the requirements under the contract or where written permission has been given by the school.
 - The photographer must comply with the steps set out above.
 - The photographer will be responsible for keeping his own records as evidence that he has carried out the above,

NOMINATING A NON-PROFESSIONAL TO BE THE AUTHORISED PHOTOGRAPHER

Should the School nominate another individual, say a parent, staff member or governor, to be the photographer, it will be made clear that the images may not be used for anything other than the purpose indicated by the School. Where digital or similar photography is used, the School will require, wherever possible, the parent, staff member or governor to leave all images or image holding equipment at the school premises and to subsequently process and/or develop final images on the school site. Such action will protect the parent, staff member or governor from future allegations of impropriety.

CHARGING FOR PHOTOGRAPHS/VIDEOS

Where a nominated photographer (professional or otherwise) is used, the proceeds from any sale of photographs or copies of videos will go to the school fund and images will be sold at cost price.

CLOSED CIRCUIT TELEVISION (CCTV)

Increasingly 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.

Where CCTV is used within the school, and recorded in the manner described below, the school will ensure where possible that the following conditions are met:-

Types of Recorders

- Regular auditing of the stored images will be undertaken by a senior member of the management team.
- Digital Images: Increasingly such images are retained on computer hard drives. Such images will only be stored for designated periods and then erased from the hard drive. Images will only be retained for a designated period, this would not normally be any longer than 31 days.
- Cameras: Several types of camera may be used to record images and these include:
 - 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. The school will ensure that only authorised and designated staff have access to the equipment and that occasional and periodic monitoring of the images saved is undertaken by a senior member of management. Images will be destroyed after the designated period.
- Camera Sightings: Every effort will be made to avoid inappropriate images and cameras will not be pointed directly at toilets/cubicles/urinals, changing rooms or other sensitive areas etc.
- During School Hours and 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 will be given by the Headteacher to referring the information to the police.
- Images taken out of school hours will be erased in accordance with the procedures identified above.

MOBILE PHONES

The use of mobile phones which contain cameras with photographic capabilities are not permitted in changing rooms, toilets and other sensitive areas within the school.

REVIEW OF POLICY

This policy will be reviewed by the Full Governing Body on an annual basis.

CONSENT FORM FOR THE USE OF IMAGES OF CHILDREN



Dear Parents,

During your child's time at Montpelier, he/she will be involved in educational excursions, swimming lessons, football/netball matches, quizzes, clubs after school etc., which will necessitate the use of the school mini-bus, hired public transport, staff or parents' cars and possibly the taking of photographs.

PHOTOGRAPHS

The digital camera has an important place in school. Photographs of pupils and their work can be motivating for the individual pupil and promote the work of the school. It is important to balance the potential risks/inappropriate usage of images of children, against the many benefits. The following outlines our school rules for camera use.

- Any photograph displayed of a child will not display both their first and second name.
- Parental consent is not requested for large group photos (more than six pupils), 'over the shoulder' photos that do not show pupils faces and photographs contained within pupil's books or classroom that are not on show outside the class.
- When appropriate, photographs of pupils work rather than the pupils themselves are taken.
- Only photographs of pupils in suitable dress (i.e. school uniform) will be used.
- Photographs will not be digitally held for any longer than necessary and CD's and floppy disks containing images of pupils will remain in school.
- Use of photographs by the media/press/school website to promote school life (child's first name and surname may or may not be printed alongside the child's photograph).

WEBSITE/INTERNET USE –

1. Children must only access those services they have been given permission to use. Search Engines are only to be used with the permission of the class teacher.
2. Children must not access the service without a member of staff present.
3. The work/activity on the internet must be directly related to school work. Private use of the Internet in school is strictly forbidden.
4. Password or login names must not be disclosed, to anyone.
5. Personal addresses, telephone / fax numbers must not be given to any person.
6. Children must not download, use, or upload any material and use material which is copyrighted. Always seek permission from the owner, before using any material from the Internet. If in doubt, or you cannot obtain permission, check with the teacher or do not use the material.

7. Under no circumstances should children view, upload or download any material which is likely to be unsuitable for children or schools. This applies to any content of a violent, dangerous, racist, or inappropriate nature.
8. Always respect the privacy of files belonging to other users. Children must not enter the file areas of other students or staff.
9. Children must agree for the relevant member of staff to view any e-mails, sent or received, and any material stored on the school's computers (or removable storage).
10. Children must be polite and appreciate that other users might have different views than their own. The use of strong or bad language/swearing or aggressive behaviour is not allowed. Do not state anything that could be interpreted as libel.

Failure to submit this completed form will result in your child being unable to access the school network. This is for the protection of all parties concerned.

We are endeavouring to maximise our administrative efficiency by asking parents to sign one parental consent form which will also enable the members of staff in charge of a trip to seek medical help should it be necessary. Naturally, you will be informed of each trip prior to the event taking place with more specific details of arrangements and costs.

We would be grateful if you would sign the attached permissive slip and return it to the school for our records.

Yours sincerely,



Mr Jason Holland
HEADTEACHER



FAO Class Teacher

PERMISSORY SLIP

I give consent for Child's name: Class:

- ☐ to be transported in the school mini bus, hired/public transport, staff or parents cars to extra curricular events and school trips.
- ☐ For the teacher in charge of these trips to seek any emergency medical attention, should the need arise.
- ☐ I agree to the school's policy on website/internet use
- ☐ I agree to the school's policy on photographs (including the use of images of my child on the school website or in video recordings to promote the school)
- ☐ I agree to the use of photographs by the media/press to promote school life (child's first name and surname may be printed alongside the child's photograph).

Parents signature: Date:

MONTPELIER PRIMARY SCHOOL

STANDARD VERBAL CONSENT FORM FOR SCHOOLS
THE USE OF IMAGES OF CHILDREN

Name of Pupil :

Date of Birth of Pupil :

Project Name :

Purpose of creating images :

Period which consent is to cover :

Details of member of staff obtaining the consent :

Name of parent/legal guardian consent sought from :

Date consent sought :

Was consent given?

Yes

No

In compliance with the Data Protection Act 1998, I have explained to the parent/guardian:

	Please delete as appropriate
1. The purpose of taking the photographs or making the video	Yes/No/Not relevant
2. The images taken may be used in the School's literature.	Yes/No/Not relevant
3. The images may form part of a video recording or may be incorporated in a CD rom of photographs and sold to parents of pupils at the School to raise funds for the School.	Yes/No/Not relevant
4. The images may be used on the School's website and this can be viewed around the world.	Yes/No/Not relevant
5. The period which consent is being sought for (e.g. for the purposes of this project only and will automatically expire after completion of the project).	Yes/No/Not relevant
6. The School will not publish the name of a pupil with an image without the prior consent of the parent/legal guardian.	Yes/No/Not relevant
Any other relevant information:	

Signature of member of staff obtaining consent :