

# **St Luke's CE Primary School**

## **Use of Images Policy**

**Using Images of Children: photographs, videos, websites and webcams**

**Agreed at Premises Health and Safety Meeting May 2016**

**Approved by Full Governors June 2016**

**To be next reviewed Summer 2018**

## 1. Introduction

- 1.1 Many school activities involve the taking of images of pupils. These may be undertaken as part of the curriculum, extra school activities, for publicity or to celebrate achievement. However, we are aware that individuals have the right to respect for private and family life and there may be families who do not wish to have their children photographed.
- 1.2 Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride which we believe usually enhance self esteem for children and young people, and their families, and the practice should continue, within guidelines that safeguard pupils.
- 1.3 This policy has been based on guidance from Sefton LA, which in turn was informed by current practice across the country, DFE guidelines and the Data Protection Act 1998

## 2. Issues of consent

- 2.1 The Data Protection Act 1998 affects our use of photography. 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 of a child or young person under the age of 18 years for any photographs or video recordings for purposes beyond the school's core educational function. (e.g. school web sites, school productions, sports day). It is also important to ascertain the views of the child.
- 2.2 As it is likely that there will be a number of occasions during a pupil's school life when we wish to photograph or video that pupil, we will seek consent when the pupil starts at St Luke's, to last for the duration of their stay. Consent is sought for photographs, videos and website use. We are mindful of changes in pupil's personal details and renew consent as appropriate
- 2.3 A signed consent form, as attached to this policy, is obtained from the child's parent/carer, and kept on file, covering all cases where images of children are to be published beyond the parameters of school use.

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

## 3. Vulnerable Children

Special care is taken with "looked after children" and we check the issue of consent with the child's social worker as there may be situations (for example, in adoption placements) where a child's security is known by the class teacher to be at stake, indicating the need for extra care. Similarly, children living in situations involving Child Protection and domestic violence where their identity may need to be protected.

## 4. Planning photographs of children

Any photographing of pupils is carefully planned. 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 following guidelines will help minimise the risk of such unsolicited attention:

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- 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 tracksuits if appropriate, for example
- Remember to include images of children from different ethnic backgrounds, and positive images of children with disabilities to promote our 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?

#### **5. Identifying pupils**

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

This policy recommends that:

The minimum information is used. Ask yourself whether it is really necessary to accompany a picture with the pupil's name, 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.

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

- 6.1** 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.
- 6.2** Before using a photograph supplied by a third party we check that the third party owns the copyright to the photograph and we obtain their written or verbally recorded permission to use it. Using a photograph without the copyright owner's permission could result in action taken against you for copyright infringement.
- 6.3** Images downloaded from the Internet are also subject to copyright.

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

(Please refer to the recommendations in section 5 above; 'Identifying Pupils')

- 7.1** There may be occasions where the press takes photographs at school of pupils. The letter and consent form attached 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 name should accompany the photograph.
- 7.2** The manner in which the press uses images is controlled through relevant industry codes of practice as well as the law. However, given our responsibility to parents and pupils, we always politely check that any broadcasters and press photographers on our school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close-up or sports photography. We also check where the images will be used.

## **8. School Prospectus and LA literature**

Our school prospectus includes pictures of children. We only use images of children whose parents' consent has been obtained, and we follow the DFE guidelines of avoiding use of names or personal details of the pupil.

## **9. Videos**

- 9.1** The making of a video in any situation must be carefully planned and the consent of a senior member of staff obtained. Staff using videos should be clear about the purpose, ensure all images are available for scrutiny in order to screen for acceptability and be able to justify images of pupils in their possession. Staff should be sensitive to the needs of pupils and aware that some children, due to past experiences may not be comfortable with this activity. Children who have been abused in this way may feel threatened by the legitimate use of photography, filming etc. Parental consent must be sought before any child can appear in a video.
- 9.2** Parents can make video recordings of nativity plays, productions, sports days and other such events for their own personal and family use, as they are not covered by the Data Protection Act. However, to avoid potential difficulties in this area, we insert the following into letters giving information for the event.

"Parents and relatives of pupils should note that any photographs or video film they take at school events are likely to contain images of other children who will not have given permission to be filmed or photographed. Such images should not be circulated more widely than the family; i.e. they should be for the family's use only. Our advice is that any manipulation or distribution of images of children could result in a criminal prosecution."

Before the event, there is a verbal reminder:

"Any photograph or video film taken by parents or relatives must be solely for the individuals families use and must not be distributed more widely, including publication on social media websites. "

- 9.3** The important thing is to be sure that people with no connection with our school do not have any opportunity to film covertly. Staff are instructed to quiz anyone they do not recognise who is using a camera or video recorder at events and productions

## **10. Websites / App**

This is an area that gives particular concern to parents due to the potential misuse of images. We only use images of children whose parents' consent has been obtained, and we follow the guidelines in sections 4 and 5 to minimise risk.

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

- 11.1** Parents are not covered by the Data Protection Act 1998 if they are taking photographs or their own private use.

- 11.2** 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 parent whose children may be captured on films. Without this consent the Data Protection Act 1998 would be breached. The consent form attached reminds parents of this fact.

## **12. The storage of photographs**

Photographs are maintained securely for authorised school use only, and disposed of either by return to the child/parents, or shredding as appropriate.

## **13. Official School Photographs**

We periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. We undertake our own risk assessment in terms of the validity of the photographer/agency involved and establish what checks/vetting have been undertaken. We ensure that pupils are supervised by school staff to safeguard the welfare of children at all times when visitors are present on the school site.

**Sharon Cowey**

**Headteacher**

## ST LUKE'S CE PRIMARY SCHOOL PERMISSION FOR USE OF IMAGES

I understand that photographs and videos may be taken by the school for the purposes of recording pupils' activities and attainment. I understand that this will be done sensitively and in a positive manner and that this is for internal use only. In addition:

	<b>Please delete</b>
I agree that you may use an unidentified picture of my child in a school booklet or display to promote the school.	YES / NO
I agree that you may use an unidentified picture of my child on the school's website/App.	YES / NO
I agree that my child may appear in a video presentation made by, or authorised by, the school	YES / NO
I agree that my child may be photographed, interviewed or filmed by the press, radio or television if permission is granted to those organisations by the Headteacher.	YES / NO
I agree that my child's full name may be provided to the press, radio or television for possible publication with a photograph or film, given that the above considerations with regard to appropriate use have been made.	YES / NO
<p><b>Photographs and videos taken by parents / carers</b></p> <p>Although practice varies from school to school, in this instance the governors have agreed that parents may wish to take photographs or videos of events to which they have been invited, such as Sports Day or a School Play with the permission of the Headteacher.</p> <p>I agree that if, with the permission of the Headteacher, I take photographs or videos of any school event, I will ensure that these are used for personal and family use only, and will not be made available to anyone else. I understand that any other use may be in breach of the Data Protection Act 1998.</p>	YES / NO

**I UNDERSTAND THAT THE HEADTEACHER WILL MAKE ANY DECISION ABOUT INVITING THE PRESS, RADIO OR TELEVISION INTO SCHOOL AND THAT, IN THOSE CIRCUMSTANCES, MY WISHES STATED IN THIS FORM WILL BE OBSERVED. I UNDERSTAND THAT, IF AT ANY POINT I CHANGE MY MIND REGARDING THESE PERMISSIONS, I NEED TO LET YOU KNOW IN WRITING ABOUT THE CHANGES.**

<b>Name of child</b>	
<b>Name of person responsible for child</b>	
<b>Relationship to child</b>	

**Signed:** \_\_\_\_\_ (parent/carer) **Date** \_\_\_\_\_