



Photography and Media Policy Autumn 2022



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**Our Lady of Fatima Catholic Multi Academy Trust
Photography/Video Guidance**

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**Data Protection Good Practice Note:
Taking Photographs in Schools**

Guidance on Photographs of Children

1. Introduction

This document provides guidance on the appropriate use of images of children in the school. It covers still, video and electronic photographic images wherever they are used. This policy has been written following the guidance from the Information Commissioners Office and Teachernet.

Establishments need to make full and proper use of photographic images while meeting the law and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

2. Typical Uses of Photographs

- For use in pupil's work
- For use for teacher's records, e.g. recording good practice in, say, PE
- Performing arts, including dance and movement, concerts, drama performances.
- Sports days and sports fixtures and the use of photographic equipment by parents and carers.
- Media including newspapers and television especially when some editors require children's names when publishing photographs.
- Displays in the establishment of children's activities.
- Publications by our school.
- Our school web-sites.
- Staff training and professional development activities.
- Time lapse photography for recording of building development
- Site security / CCTV videos.

3. Governing Body

The Governing Body has formally adopted these guidelines as policy and good practice.

The Governing Body has nominated Governors responsible for child protection and health and safety, who are aware of and support the policies and procedures.

4. Ownership

Human Rights legislation and the Data Protection Act 1998 give people new rights and it is the right to 'privacy' that is the issue when using photographs. Our school must take steps that respect the rights of people in photographs.

The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise.

5. Good Practice

The following advice represents good practice in the use of photographic images involving children.

1. When taking a picture Our Lady Of Fatima Catholic Multi Academy Trust must have obtained the consent of the person in the picture from their parent or carer.
2. If using a photo from the media or commissioning a photograph, have a signed agreement (see appendices 2 & 3).
3. Use the image in its intended context.
4. Follow the commitment made in the consent forms:
 - not to name the child;
 - not to use the photograph out of context;
 - not to use the photograph to illustrate sensitive or negative issues.
5. When photographing children:
 - a. Ensure that parents and carers of young people have signed and returned the St.Alban's Academy consent form for general photography (see appendix 1).
 - b. Ensure all children are appropriately dressed.
 - c. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
 - d. Photographs of three or four children are more likely to also include their learning context.
 - e. Do not use images of a child who is considered very vulnerable, unless parents / carers have given specific written permission.
 - f. Avoid naming young people. If one name is required then use the first name only where possible.
 - g. Use photographs that represent the diversity of the young people participating.
 - h. Report any concerns relating to any inappropriate or intrusive photography to the head teacher.
 - i. Remember the duty of care and challenge any inappropriate behaviour or language.
 - j. Do not use images that are likely to cause distress, upset or embarrassment.
 - k. Regularly review stored images and delete unwanted material.

6. Parental Permission

"The Data Protection Act does not prevent parents and teachers from taking photos of events such as the Christmas play or sports day – asking permission to take photos is normally enough to ensure compliance" The Independent Commissioner's Office Education Guidance (See Appendix 3)

Use of images of children requires the consent of the parent / carer. Permission should always be obtained by using the form in appendix 1, when a child joins Our Lady Of Fatima Catholic Multi Academy Trust. The form covers the school when using the photographs in publications and on web-sites. There are likely to be several occasions during a pupil's time at Our Lady of Fatima Catholic Multi Academy Trust when the school may wish to photograph or video that pupil. For this reason, consent is sought when the pupil starts at the school, to last for the time they are a pupil at St.Alban's. A signed parental/guardian consent form will be kept on file. This consent is for

photographs and videos of the children to be taken for educational purposes as set out in this policy. Parents can subsequently change their decision by writing to the school office to inform them of this.

When a parent does not agree to their child being photographed, the head teacher must inform staff and make every effort to comply sensitively. For example, if a child whose parents have refused permission for photography is involved with a sports event, e.g. a football match, it may mean that the child is not in the photograph. If the parent wants them to be in the photograph it is up to the parent to inform the school in advance (See Appendix 2)

When photographic images are transmitted or shared beyond our school e.g. television broadcasts, images on intranet sites, specific permission should be obtained.

7. Inter-School Fixtures

Apply these guidelines to inter-school events. If a vulnerable child is involved, it will be necessary to liaise with a member of staff from the other establishment so that they are aware of the wishes of the parents or carer of the child and seek the cooperation of the parents of the opposing team.

8. Teacher's evidence of learning

Teachers may wish to use photographs for evidencing different styles of learning taking place. They need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images. A member of the management team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

9. Displays in Schools

Still photographs shown on displays and video clips available during open / parents' evenings should depict children in an appropriate way. They should not display images of children in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained. Do not use photographs or images likely to cause embarrassment.

10. Parents Evenings, Concerts, Presentations

To allow the appropriate recording of children's images by parents / carers:

- ensure that children are appropriately dressed;
 - obtain parental permission with the form in appendix1;
 - be aware of any child who should not be photographed ;
 - and monitor the use of cameras and anyone behaving inappropriately.
- Staff are asked to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

The Data Protection Act does not apply for photos and videos for personal use (See Appendix 3)

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.

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 or placing images on social media sites). 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 consent form attached reminds parents of this fact.

11. Children Photographing Each Other with their own equipment

This practice can occur extensively during offsite activities particularly during residential periods. There may be incidents where children take inappropriate photographs, perhaps showing friends and other children inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's use of cameras and subsequent use of their images involved (see also section 14).

12. School/Class Photographs

Schools will periodically invite an official photographer into school to take portraits / photographs of individual children and/or class groups. When considering such an activity the school will undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken. Procedures 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. Newspapers

Several scenarios can occur:

1. 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 head teacher 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 whole team photograph may not be appropriate. A Photo of some team members, with permissions, may be taken.

2. Photo opportunities:

- When our school invites a newspaper to celebrate an event, the head teacher should make every effort IN ADVANCE to ensure that the newspaper's requirements can be met. It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers may not print anonymous photographs.

The school must give thought to this beforehand – and parental permission / opinion must be their key guidance.

- Often, 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 probably be required.
- 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 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 - it might be possible to negotiate a ‘first names only’ agreement with the newspaper.
- Otherwise our school must be prepared to forego newspaper publicity.

14. Use of Internet / Intranet Sites

St.Alban’s Catholic Primary School has an Internet Use policy. The site administrator should know good practice and ensure that the establishment only uses appropriate images that follow this guidance. For example, if a child has successfully completed a gymnastics award, it would be appropriate to show the child in a tracksuit rather than leotard. (see 16 also)

15. Mobile Phones

Pupils at our school are not permitted to bring in mobile phones. Staff should not use mobile phones which contain cameras of photographic capabilities to take photos of pupil’s and these ‘phones are not permitted in changing rooms, toilets etc.

16. Close Circuit Television (CCTV)

Our Lady Of Fatima Catholic Multi Academy Trust does use CCTV:

- As a method of controlling access.
- An aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.
- 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.

Types of Recorders

1) Video –

Images are recorded onto tape using usually, time lapse techniques. Banks of (usually) 31 days of tapes are retained so that a tape is allocated to each day. Images should only be retained for a

designated period, this would not normally be any longer than 31 days. Tapes must be held in secure storage and the images erased and the tapes reused. Tapes require regular replacement, approximately annually to ensure clarity of images. Images on tapes must be erased before disposal.

- 2) Regular auditing of the stored images should be undertaken by a senior member of the management team.
- 3) Digital Images -
Increasingly the images are retained on computer hard drives. They should also only be stored for designated periods and then erased from the hard drive.

In both incidences it is essential that the images are retained securely and are viewed by designated, competent members of staff.

- 4) Cameras -
Several types of cameras are used, notably:
 - 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. It is therefore crucial that authorised and designated staff only have access to the equipment and that occasional and periodic monitoring of the images saved is undertaken by a senior member of management. Images should be destroyed after the designated period.
- 5) Camera Sightings -
Every effort should be made to avoid inappropriate images and cameras should not be sighted in toilets, changing rooms or other sensitive areas.
- 6) 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 should be given by a senior member of the management team to referring the information to the police.
Again images should be erased in accordance with the procedures above.

While CCTV can be an extremely effective and useful crime reduction / deterrent device, careful use of the images and control by competent responsible staff is considered crucial.

17. Guidance on Social Media

For Staff, Visitors and Governors, see the separate Social Media for Employees, Visitors and Governors Policy.

For Parents and Families:

Staff and Governors at Our Lady of Fatima Catholic Multi Academy Trust have a responsibility to:

- keep the children in their care safe
- protect the reputation of the school
- protect staff and pupils from allegations and mis-interpretations which can arise from social networking sites

Parents and their families are **NOT** given permission from Our Lady of Fatima Catholic Multi Academy Trust to:

- use the school's name, logo or any other published material without prior written consent from the Headteacher.
- post images of employees, children, governors or volunteers engaged in school activities without prior written consent from the Headteacher.*
- post any comments or image that may damage the reputation of the school, whether or not the school is named. This includes defamatory comments.
- Disclose confidential information, or information that could compromise the security of the school.

*Parents may choose to use images of their own child where these do not identify the school or include other children.

For Pupils:

Most Social Networking Sites state that users **MUST** be over 13 years of age. Therefore Our Lady of Fatima Catholic Multi Academy Trust does not expect any pupils to be using social networking sites.
Pupils may not use or access social networking sites in school.

Appendices

Appendix 1 to be sent with Policy

Dear Parent/Guardian

Parental consent form for the use of photography of children by Our Lady of Fatima Catholic Multi Academy Trust

Pupils/students are photographed in connection with school plays, concerts, prize giving, residentials, school trips, performances and sports events for educational purposes

- 'Photography' includes film, video and digital imaging

Please note: The school may not be able to comply with your request if the record is needed for National Curriculum purposes.

I give permission for photography of my child to be taken as per Our Lady of Fatima Catholic Multi Academy Trust 'Photographic Images of Children' Policy

(Child's name): _____

Signed: _____

(Parent/Guardian)

Date: _____

I do not give permission for photography of my child to be taken as per Our Lady of Fatima Catholic Multi Academy Trust 'Photographic Images of Children' Policy

(Child's name): _____

Signed: _____

(Parent/Guardian)

Reason: _____

Date: _____

APPENDIX 2

Dear Parent/Guardian,

We have received your response to our request for permission for photography of your child as per Our Lady of Fatima Catholic Multi Academy Trust 'Photographic Images of Children' Policy. We note that you **do not** give permission for such photographs to be taken.

We will notify staff that this is your request.

Please note that should there be a group/team/class photo being taken that would have included your child, your child will be removed for the photograph to be taken.

If you know an event is going to happen where it is likely School photos may be taken (e.g. a school match or a concert) and are happy, on that occasion, for your child to be included in that photograph, **YOU** must contact the school in advance to give your *written* permission. Your child will not, otherwise be included.

You may change your permission status at any time by collecting another form from the school office to complete and return.

Yours sincerely,

Mr Ian Kendal



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Data Protection Good Practice Note Taking Photographs in Schools

Aim of this guidance

This Good Practice Guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

Recommended Good Practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the Act.

Examples

Personal use:

- A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official school use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

Media use:

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act

Further Information

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: 08456 30 60 60

01625 54 57 45

E-mail: please use the online enquiry form on our website

Website: www.ico.gov.uk