

POLICY ON THE USE OF IMAGES (PHOTOGRAPHS AND VIDEO)

Purpose of policy

1. The purpose of this policy is clarify the preferred protocol of the school in respect of the taking and use of photographs and/or videos of pupils whilst on the school premises or otherwise taking part in school activities. The school does not wish to enforce a 'blanket' ban on these images, but wishes to effect the safety and welfare of the children in its care by mitigating against the improper use of the images. It places the onus on parents, guardians and family to be responsible in their taking and use of photographs or videos.

Policy application

2. Our policy applies to all staff, governors, pupils and their families.

Introduction

3. Schools need and welcome publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the school's achievements. However, photographs must be used in a responsible way (Appendix 1).

4. In May 2004, section 45 of the Sex Offences Act 2003 amended Section 1 of the Protection of Children Act 1978 by raising the age of a 'child' from 16 to 18. This means it is now an offence to "take, make, allow to take, distribute, show, possess with intent to distribute, or advertise indecent photos or pseudo photographs of children under the age of 18."

5. Perran-ar-worthal School recognises the need to respect children's and parents' rights of privacy and is aware of potential child protection issues.

6. In accordance with GDPR (General Data Protection Regulations, May 2018), parents or legal guardians are requested in the School Admission Form for their consent that photographs and/or videos may be taken of their children as part of school activities, provided that this is controlled by and within the protocol defined by this policy.

Images taken by parents, legal guardians or family members at a school event

7. Parents, legal guardians, family members and friends can take images of their child and friends participating in school activities for family and personal use.

8. Before they are allowed to take images during school activities, parents or legal guardians must have completed the School Admission Form saying that any images they take will not be used inappropriately. At the appropriate times, the school will remind parents or legal guardians of this agreement.
9. Photography and video filming will be limited to designated areas.
10. The school will ensure that children are appropriately dressed.
11. In the event that permission is going to be given by the school for photographs and/or videos to be taken at a school event, any parents or legal guardians who have refused consent for images to be taken of their children must be notified by the school in advance so that appropriate action or procedure may be agreed. Any person may be challenged by a member of staff to ensure they are acting appropriately.

Images for school publications

12. The school will only take and use images that are appropriate and are considered to not be open to misuse.
13. If an image of a child is used, the child's name will not be published. If a name is published, no image will be used without specific consent.
14. Children and their parents or legal guardians will be made aware of why their picture is being taken and how it will be used.
15. The school will ensure that images of a single child with no surrounding context of what they are learning or doing will be avoided.
16. Children and parents should be encouraged to recognise the value of group photographs or recordings of school events.
17. The school recognises that images must not be used to cause distress, upset or embarrassment.
18. The school will use photographs that represent the diversity of the children or young people participating.
19. Images will be kept securely.
20. Images of children from the school will not be used to illustrate controversial subjects.

Images for the school website

21. School websites are part of the internet and are more easily accessible than paper-based school publications. The school will make sure that only appropriate images are used. Image filenames will avoid using children's names.
22. The storage of electronic images will be regularly reviewed by the headteacher and secretary.

Webcams

23. Webcams are a useful tool for learning. They can allow an individual or class to interact over the internet with others and support links between pupils in different schools, countries and cultures.

24. A webcam will only be used in appropriate circumstances, such as a normal class setting or in teacher-managed activities linking with other schools and appropriate organisations.

25. Both children and teachers will be made aware of when a webcam is in use.

Children photographing one another

26. Staff will supervise and maintain control over any photographing pupils do during on-school or off-site activities.

27. Camera phones are less visible and can be used to bully or take inappropriate images. It is the school's policy not to allow pupils to use any personal devices to record images or videos in school.

28. If it is found that cameras or camera phones have been misused, the school will follow the disciplinary procedures as outlined in our e-safety policy. In some cases, it may be necessary for the school to contact children's social care and/or the police.

Images taken by the press

29. In all images taken by the press, names will not be shown in the picture caption without prior consent of the parents.

Appendix 1: GDPR note on taking photographs in schools

In 2018, the Information Commissioner's Office (ICO) published the Guide to the General Data Protection Regulation (GDPR).

Recommended good practice

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

Where the GDPR does apply, a common-sense approach suggests that if the photographer asks for permission of all those concerned, to take a photograph, this will usually be enough to ensure compliance.

At Perran-ar-Worthal School, parents are asked to indicate on their child's admission form, to what degree they give permission for photographs or videos of their child to be used.

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. As long as these images are for personal use then the GDPR will not apply.

Official School Use:

photographs of students or pupils are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the GDPR will apply.

A small group of pupils are being photographed during a science lesson and the photo is to be used in the school prospectus or on the school website. Parents' permission would be needed for this.

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 their parents, carers or guardians have agreed to allow photographs of those attending to appear in the newspaper, this is in line with the GDPR.

Appendix 2: Parents' or legal guardians' consent for the school to take and use images of pupils

Key policy points:

Perran-ar-worthal School recognises that a balance between the low risk of misuse and the numerous positive results of colourful, well-produced school material is necessary.

In the School Admission Form parents are asked a series of questions relating to the school's use of images. Parents are asked to sign a declaration on their child's admission form when their child starts at the school.

The school will only take and use images (photographs, videos and DVDs) that are appropriate and are considered to be safe from misuse.

Children will be made aware of why their pictures are being taken and how they will be used.

The school will take extra precautions to ensure that only appropriate images are used for its website.

If it is found that a camera phone or similar capture tool, has been misused, the school will follow its usual disciplinary procedures.

If an image of a child is used in the press or on the school's website, the child's name will not be published. If a name is published, no image will be used without specific consent.

NB: There may be other circumstances falling outside the normal day-to-day activities of the school when images of children are needed. The school recognises that in such circumstances specific consent from the parent or legal guardian will be sought before any photography or filming of children starts. If you have concerns or queries about any of this information, please contact the school.