



Introduction

This document outlines the procedures for the safe use of photos and other electronic images of pupils at Kelsey Primary School.

Linked Policies

This policy should be read in conjunction with the following policies:

- Acceptable use agreement
- Child protection
- Confidentiality / data protection
- Complaints
- Freedom of Information
- Social networking

Aims

The photos in school policy is designed to:

- Ensure that children are safeguarded with respect to photos and other electronic images taken in Kelsey Primary School or on school sponsored trips / outings / visits / etc.
- Outline the procedure for staff and volunteers to follow when dealing with / handling photos of children.
- Explain the procedure to parents / guardians of children at Kelsey Primary School.

Legal Framework

The data protection act 1998 is relevant:

http://www.ico.gov.uk/for_organisations/data_protection.aspx

The school is registered under the act.

Kelsey Primary School Policy on Procedure for the safe use of photographs and electronic images

1. Introduction

Kelsey Primary School needs and welcomes positive publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs in school publicity materials can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the school's achievements.

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However, photographs must be used in a responsible way. We need to respect young people's and parents' rights of privacy and be aware of potential child protection issues. As a school, we always aim to protect our children, but need to balance the potential risks against the advantages of promoting the school in a colourful and attractive way. Risks can be minimised by following the guidelines in this Policy and in securing parental consent for the use of photographs.

This document provides guidance on the appropriate use of images of children in our school. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff, parents/carers, governors and any other people visiting Kelsey Primary School who wish to use images of children and young people in education.

We need to make full and proper use of photographic images whilst conforming to legal requirements 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

- Key skills for PE.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures, including the use of photographic equipment by parents and carers.
- Media use, including newspapers and television (and in particular the request for children's names when publishing photographs).
- Displays in the school of children's activities.
- Publications by Kelsey Primary School and by LCC.
- The School and LCC websites.
- Staff training and professional development activities.
- Publicity material for contractors.
- Site security / CCTV videos.

3. Child Protection Issues

Risks can occur when individual pupils can be identified in photographs. Providing the name and photograph of a pupil in a publication or on a website can lead to child protection issues, and could make a child vulnerable to abuse. If the School becomes aware of any such issues, these will be treated as serious and dealt with as per the procedures outlined in the School's Child Protection Policy. As detailed herein, permission from parents will be sought before allowing photographs and/or a child's/children's name(s) to be published in any form. The Headteacher will ultimately decide whether the publication of a photograph could pose a risk to a child.

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4. Data Protection Act and School Events

In accordance with information from the Data Protection Commissioner's Office, 'Photographs taken purely for personal use are exempt from the Data Protection Act.' This means that parents, friends and family members are permitted to take photographs of their child and friends participating in school activities for the family album and are also permitted to film events held at school.

Photographs taken by the media are also usually exempt from the Act. If there is any doubt, if permission is sought by the photographer, this will normally be enough to ensure compliance.

Data Protection issues can arise where photographs are taken for official use, e.g. identity passes, and the images are then stored with personal data (names). In such cases permission would need to be sought and information provided relating to security of storage and length of storage. No such images are currently held at Kelsey Primary School.

(Refer also to guidelines as sections 8 and 9 herein.)

5. Appropriate use of images in school publicity material – Good practice

To overcome any issues relating to the use of photographs of a child or children, the following guidelines will be followed:

- Parental permission will be obtained (See Appendix 1 attached).
- Ensure that parental wishes are adhered to.
- Wherever possible use only group, team or whole class shots.
- Avoid naming individual children in the photograph. When a child/children are named it may be more appropriate to use first names only.
- Only images of children in suitable dress will be used to reduce the risk of inappropriate use. Some activities clearly present a greater risk e.g. swimming or athletics activities, and such photographs should focus on the activity rather than the child and will avoid full face or full body shots.
- The School will never use an image of a child who is the subject of a Court Order.
- Whenever possible, establish whether the image will be retained for further/future use.
- Ensure images are stored securely and used only by those authorised to do so.
- Ensure as far as possible that the image is used for its intended use.
- Photographs of children or staff who have left the school may be used after they have left, in particular in respect of historical records of past school events. However, it is good practice for such photographs to be destroyed periodically (e.g. reviewed on a three yearly basis).

6. Use of photographs/Images on websites (Internet/Intranet)

The use of photographs/images on websites will follow the same rules as already detailed herein. However, the School is aware that there is potentially more of a risk of inappropriate use. Parental permission will include permission for publication on the School's website, and every effort will be made to ensure that children cannot be identified from the file.

Kelsey Primary School has an Internet / Intranet facility. The School is aware of good practice and ensures that Kelsey Primary School 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 a leotard.

7. Newspapers

Parental consent for newspaper publicity photographs is vital. Newspapers will usually wish to include the names of pupils in photographs they intend to use. For larger groups of children (Groups of 10 or over), this will be given as in larger groups it is more difficult for readers to identify individual children. Names will also be given in random order. However, on the majority of occasions, for groups of this size, it should be sufficient to state, e.g. 'Class 2 from Kelsey Primary School'. If names are requested, it may be appropriate to use first names only. For smaller groups (Groups of 9 or under), if individual names are requested, the balance of the level of risk against the benefits of publication will be considered. Children will only be named if parental permission is given. When a particular child is photographed alone e.g. receiving a prize, it is reasonable to expect the newspaper to request the name of the child, however, contact details will never be issued. Parental permission will always be sought in such circumstances. As long as parental permission is obtained, there is no breach of the Data Protection Act in giving a child's name to a journalist. The use of photographs in newspapers is subject to strict guidelines. The Press Complaints Commission's Code of Practice states that:

- Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children.
- Pupils must not be approached or photographed while at school without the permission of the school authorities.

The following scenarios could apply:

1. Team photographs:

- When everyone is prepared to allow team photographs and full names to be published, then in this situation publication can occur. It may be appropriate to use first names only.
- 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 / event organiser will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- When a larger group photograph is to be used, it may be more appropriate not to name individuals, but name the photograph, e.g. Class 1 from Kelsey Primary School.
- If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph may not be appropriate.

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2. Photo opportunities:

If a commercial photographer is to be used, the Headteacher/event organiser will where appropriate:

- Provide a clear brief concerning the terms of the content and behaviour.
- Issue the photographer with identification that must be worn at all times.
- Let children and parents know that a photographer will be in attendance at the event and ensure that they consent to both the taking and publication of photographs/films.
- Not allow unsupervised access to children or one-to-one photo sessions at events.
- Not approve/allow photo sessions outside the event or at a young person's home.

When Kelsey Primary School invites a newspaper to celebrate an event, the Headteacher/event organiser will make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.

- Almost without exception, 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 10 children or more).
- However newspapers usually prefer to work with smaller groups of children – e.g.: three or four – and for this number names would normally be required and parental permission needed.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Kelsey Primary School will consider this beforehand – and parental permission / opinion must be their key guidance.
- 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 regarding 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 Kelsey Primary School must be prepared to forego newspaper publicity.

Under no circumstances whatsoever will any possible contact details be released to the press.

If the School has any concerns regarding the use of photographs by the press, such concerns will be referred to the Press Complaints Commission.

If children or parents have any concerns about inappropriate or intrusive photography, they should report these to the Headteacher/event organiser who should record them in the same manner as any other child protection concern.

If the School or parents have concerns regarding the use of filmed images by TV companies, they should contact the Office of Communications (Ofcom).

8. Filming Events

The photographing or filming of School events, e.g. sports day, arts performance, is a valuable part of school life and can be rewarding for both the family and the School. As previously detailed herein, there are no Data Protection issues, but the School will consider the 'right to privacy' as well as the actual manageability of photographing/filming such events. **Photographing and Filming will be at the discretion of the Headteacher.**

If a commercial photographer is to be used to photograph or film events, such photographer will be given a clear brief of what is considered appropriate in terms of content and behaviour. Parents will be notified that a photographer will be in attendance and their permission sought.

Parents and any other spectators should contact the Headteacher or Organiser for permission to use photographic or recording equipment. It may be necessary for the Headteacher/event organiser to manage the way in which parents film events as constant interruptions could distract children and prevent them from performing to the best of their ability

To facilitate appropriate recording of children's images by parents / carers, the School will:

- ensure that children are appropriately dressed;
- obtain parental permission with the form in appendix 1;
- be aware of any child who should not be photographed; and
- monitor the use of cameras and anyone behaving inappropriately.

If children or parents have any concerns about inappropriate or intrusive photography/filming, these should be reported to the Headteacher/Events organiser, and any child protection issues dealt with in accordance with laid down procedures.

9. Inter-School Fixtures

These guidelines also apply to inter-school events. If a vulnerable child is involved, it will be necessary to liaise with a member of staff from the other school 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.

10. Camera Phones

There are currently no set laws or guidance concerning camera phones.

There are concerns regarding safety, security and well-being of children posed directly or indirectly to children through the use of camera phones.

In Kelsey Primary School, it is the view of staff and governors that we do not allow the use of camera phones in School without the permission of the Headteacher.

11. Parental Consent

Use of images of children require the consent of the parent / carer. Permission will be obtained by using the form in appendix 1 when a child joins Kelsey Primary School. The form covers both Kelsey Primary School and LCC when using the photographs in publications and on websites. It is the parents/carers' responsibility to inform the School should they wish to amend their original decision.

When a parent does not agree to their child being photographed, the Headteacher will 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 not be appropriate to photograph the whole team. Careful liaison with parents is therefore essential. With discussion it may be possible to agree other options. The parent may accept a team photograph if names are not published or they may be prepared to relent if it affects the whole team.

When photographic images are transmitted or shared beyond Kelsey Primary School e.g. television broadcasts, images on intranet sites, specific permission will be obtained (see appendix 2).

12. 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. The school will take steps to 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 (see appendix 3).

Child Protection issues occur when individual pupils can be identified in photographs used in promotional material, newspapers or websites. There is also the risk of such photographs being used or adapted for inappropriate use.

13. Teacher Training and Portfolios

During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images. The headteacher will oversee the compiled images as part of the management process and consider their appropriateness.

14. Displays in Schools

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

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15. Children Photographing Each Other

This practice can occur extensively during offsite activities particularly during residential periods. Staff will maintain the supervision and management control specified in the Offsite Activities Guidelines 2003. 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 10).

Appendices

1. Consent form for schools to use when children join the school, which also covers use of the images by Lincolnshire County Council.
2. Agreement with Photographers.
3. Agreement with Editors.

Policy Information:

Date adopted by the governing body:	December 2012
Policy Written by:	Magnus Smedley (Headteacher)
Reviewed:	September 2017 (MA)
Policy Review Date:	July 2022

Signed:

Chair of governors:

Headteacher:



Appendix 1 Parental Consent Form Photographs

I understand that the school may take photographs/videos of my child taking part in school activities for the purposes of assessment, record keeping and/or school publicity, including publication in the local press or on the school website – please see examples below:

- Individual photographs for purchase by individual parents
- Class/group photographs for purchase by parents of children in that class/group.
- Photographs/video to be made of my child for use as a personal record of their achievements.
- Photographs/video made of events in school (e.g. class/school performances or audience participation in theatrical productions brought into school) for assessment, record keeping or use in the school brochure.
- Photographs/videos made of events in school which may be published (without names) by local press.

Photographs/video will only be published in accordance with the Safe Use of Photographs Policy as recommended by the LEA, copies of which are available in school on request.

I agree to this unless I provide a letter indicating clearly that I do not wish this to occur, which will be held on my child's school file.

Signed: _____

Date: _____



Appendix 2 Example/Draft Agreement with Photographers

Lincolnshire County Council is commissioning agreed photographic work with **(named photographer)**.

These commissioned images will be used in the County Council publications, and/or our website. The photographs may also be issued to the media for their use with our permission e.g. photo caption picture stories.

It is unlikely that the images will be used in a situation where the County Council would receive money for the image e.g. in advertising material. If this were to be the case then the Council would contact the originating photographer to discuss these specific circumstances.

The photographer's signature for the agreement of the County Council to hold the copyright of the images commissioned is agreed by the **(named photographer)** under the conditions stated above.

Signature of photographer: _____

Date: _____



Appendix 3 Example/Draft Agreement with Editors

Lincolnshire County Council is seeking your (the Editor's name and publication) permission to use (identify picture by description or code number) for the purpose of (identify use e.g. Annual Report/Web site etc.).

We will give a credit to (name of publication) when using this image.

We will not use the image out of context from which the image was originally intended. For example we will not take an image of a disabled child receiving an award and then use the image to promote disabled children.

Signature of Editor: _____

Date: _____