

# The Four Stones Multi Academy Trust

## Photographic Images of Children Policy

### Version Control

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**Policy approved by:** Trust Board

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Version	Date	Details
1.0	15 <sup>th</sup> July 2019	Policy written to reflect the formation of The Four Stones Multi Academy Trust
2.0	18 <sup>th</sup> May 2020	Changes made to reflect the new leadership structure across the MAT
3.0	24 <sup>th</sup> May 2021	No changes
4.0	1 <sup>st</sup> Sept 2021	General updates-eg replacing 'associate headteacher' with 'headteacher'

### 1. Introduction

This document provides guidance on the appropriate use of images of children for schools within The Four Stones Multi Academy Trust (MAT). It covers still, video and electronic photographic images wherever they are used. The guidance is for staff who wish to use images of students within the MAT.

There are many occasions when staff and parents/carers will want to take photographs of children. Such occasions include everything from observation, evidence, assessment and curricular purposes in the classroom to award ceremonies, performances, trips and sporting events as part of the extended activities programme. The intention of this document is to set out clear guidelines which will balance the use of photography as a source of pleasure and pride with the need to safeguard children and protect the rights of the individual.

This guidance sets out to ensure that:

- Images are only used for the purpose intended;
- The MAT's use of images is facilitated;
- Personal family photography is allowed where possible;
- Individual rights are respected and child protection issues considered; and
- Parents/carers and children are given the right to opt out.

### 2. Definition

The term 'images' refers to photographic prints or slides, digital images, videos or moving images. Images may be distributed via print, DVDs, the internet or other technologies.

### 3. Typical Uses of Images

- For the profile picture on the relevant school's information management system
- Key stages 4 and 5 examination submissions
- Performing arts including dance and movement, concerts and drama performances.
- Sports days and sports fixtures
- Media, including newspapers and television.
- Displays in school
- The schools' and MAT's websites-e.g. prospectuses and other publications
- The school's official twitter accounts
- Staff training and professional development activities
- Site security CCTV videos

#### 4. Ownership

Human Rights legislation and the General Data Protection Regulation (GDPR) give people rights and it is the right to 'privacy' that is the issue when using photographs. We will 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. Safeguarding Children

The welfare and protection of our students is paramount and consideration should always be given to whether the use of photography will place our students at risk. Images may be used to harm children, for example as a preliminary to 'grooming' or by displaying them inappropriately on the internet, particularly social networking sites. For this reason consent is always sought when photographing students and additional consideration given to photographing vulnerable students, particularly looked-after children, previously looked-after children or those known to be fleeing domestic violence. Consent must be sought from those with parental responsibility (this may include the Local Authority in the case of looked-after children).

#### 6. Data Protection

The Information Commissioner's Office (ICO) maintains a public register which includes the name and address of 'data controllers' and details about the types of personal information they process. 'Notification' is the process by which each data controller's details are added to the register. We ensure we are registered with the Information Commissioner's Officer every year. Failure to notify the ICO is a criminal offence. Notification is always necessary when we process personal information. This includes taking photographs of the children using a digital camera. Personal data (including images) must be included in our notification. Further information can be found in the 'Data Protection' policy on our website.

In October 2007, the Information Commissioner's Office issued the following advice: *"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 students should be advised why they are being taken."*
- *Photos taken purely for personal use are exempt from the Act."*

**Please note that although notification is mandatory in most cases the data protection guidance within this document is 'recommended guidance' and the schools in the MAT must take individual responsibility for their own data protection issues in accordance with the General Data Protection Regulation (GDPR).**

#### 7. Good Practice

The following advice represents good practice in the use of photographic images involving children. (a) When taking a picture we must obtain the consent of the person in the picture or from their parent/carer.

(a) If using a photo from the media or commissioning a photograph, have a signed agreement.

(b) Use the image in its intended context. Examples of this not happening are:

- When a picture taken by a national newspaper of a child accepting an award was used by the National Front in a story with a completely different story angle.
- When a photo of the public boarding a bus to launch a rural transport initiative is used to illustrate a story attacking rural transport shortages.

(d) Follow the commitment made in the consent forms-for example:

- not to name the child;
- not to use the photograph out of context;
- not to use the photograph to illustrate sensitive or negative issues.

(e) When photographing children:

- Ensure that parents/carers of young people have signed and returned to the relevant school the consent form for general photography. Any images going beyond the schools in the MAT will need additional specific consent.
- Ensure all children are appropriately dressed.
- Avoid images that only show a single child with no surrounding context of what they are learning or doing.
- Photographs of three or four children are more likely to also include their learning context.
- Do not use images of a child who is considered very vulnerable (especially looked-after and previously looked-after children) unless their parents/carers have given specific written permission.
- Avoid naming young people. If one name is required then use the first name only where possible.
- Use photographs that represent the diversity of the young people participating.
- Report any concerns relating to any inappropriate or intrusive photography to the head teacher/manager.
- Do not use images that are likely to cause distress, upset or embarrassment.
- Regularly review stored images and delete unwanted material.

## **8. Parental Consent**

On admission of a student to a school in the MAT, parents/carers will be asked to complete a consent form indicating their agreement or objection regarding the use of images of their son/daughter. Consent will be discussed with the students by the parent/carer. Your son/daughter will also be asked to sign the consent form. A list of students for whom consent has been refused will be maintained by the relevant school and every effort will be made by staff not to include these students in photographs or video footage. The list will be updated regularly.

Parents/carers are asked to confirm, in writing, that they will inform the relevant school in the MAT if they no longer wish images of their son/daughter to be used for any reason. They need to be made aware that once images are in circulation or have been published, it may be impossible to remove them, although every effort will be made to ensure they are not used in future publications.

When a parent/carer does not agree to their son/daughter being photographed, staff will be informed and make every effort to comply sensitively.

For example, if a student whose parents/carers 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/carers is therefore essential. With discussion it may be possible to agree other options. The parents/carers 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 the establishment e.g. television broadcasts, images on intranet sites, specific permission should be obtained.

## **9. Inter-School Fixtures**

We will apply these guidelines to inter-school events. If a vulnerable student 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/carer of the student and seek the cooperation of the parents/carers of the opposing team.

## **10. Staff training and professional development activities**

- During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of students during lessons. Staff should act responsibly in compiling these images.

A member of the senior leadership team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

- The videoing of lessons and of students in lessons is a valuable resource that is used in staff training and professional development activities. The video material can often involve working with other settings such as other local schools. The video material is saved securely on the relevant school's network and student names are not used.

### **11. Displays in Schools in the MAT**

It is perfectly acceptable to display images of students in the school environment with their names attached for the purpose of celebrating progress and achievement or assessment. However, the schools in the MAT must give consideration to displays when rooms are available for other purposes. Photographs shown on displays and video clips available during open/parents' evenings should depict children in an appropriate way. We will not display images of students in inappropriate clothing so appropriate levels of integrity are maintained. We will not use photographs or images likely to cause embarrassment.

### **12. Parent Consultation Evenings, Concerts and Presentations**

In many cases, images taken at school events form an important part of family albums. Everything possible will be done to ensure that this tradition continues. Parents/carers are welcome to take images of their own son/daughter at award ceremonies, concerts/shows and sporting events, with the permission of the headteacher/member of the senior leadership team. However, care must be taken not to interfere with the smooth running of the event, breach commercial copyright laws or compromise health and safety. Parents/carers will ensure that:

- They will respect the relevant school's decision to prohibit photography of certain children or a particular event.
- Any images taken are for personal use only.
- Images including children **other than their own, must not be sold or put on the internet**; if they are, Data Protection legislation may be contravened and they will be asked to remove them.
- They will not use any images of students so as to cause offence or harm.

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

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

### **13. Key stages 4 and 5 examination submissions**

This covers the use of video material and photographs recording students' performance in examined aspects that are unable to be assessed during the external examiner's visit to the schools in the MAT. Video material or photographs may also be used as supporting evidence for a student's examination portfolio of work. The protocol laid down by the major exam boards is that this material should be returned to the establishment when the examiner has completed his/her judgments. It would therefore be good practice for colleagues to establish what will happen to the video material and photographs in discussion with the external examiner during their visit.

### **14. Students Photographing Each Other**

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 students inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents/carers are responsible for monitoring their son/daughter's use of cameras and subsequent use of their images involved.

### **15. The Use of Cameras and Video Recordings by Children**

From time to time, students may be given the opportunity to use school equipment to take photographs and/or video footage as part of a curricular or extra-curricular activity. Students should

not use personal equipment in any of the schools in the MAT for the purpose of taking photographs or video footage, unless being used as a learning resource in line with the relevant school's Acceptable Use Policy (AUP). This includes the use of personal mobile phones. The only exception to this is on a school trip or visit where students may be allowed to take photographs for their own personal use. It should be made clear that these images should be taken responsibly and not used to upset any other student. The use of images to bully or intimidate, including publishing photographs or video footage without permission on the internet, will be dealt with in line with the relevant school's behaviour and anti-bullying policies and may be viewed as a criminal offence.

## **16. Use of Internet/Intranet Sites**

The Network Manager should know good practice and ensure that we only use 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.

## **17. Newspapers**

On occasions, the media are asked to cover events or to highlight children's successes. This is an important part of celebrating achievement and informing the public of educational initiatives. The media operate under their own Code of Practice. Parents/carers will be informed by the relevant school in advance if their children are likely to appear in the press. Local newspaper titles may share their images with other titles with the same syndicate. Any child whose parents/carers have withheld permission, will not be photographed by the media.

## **18. Mobile Phones**

Phones must not be used for any purpose (e.g. phoning, texting, surfing the internet, taking photos, checking the time, using it as a calculator, taking videos etc) on any school's site within the MAT.

## **19. Closed-Circuit Television (CCTV)**

Such equipment is used:

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

## **20. School Publicity**

Photographs of student's activities and achievements may be published in the schools' newsletters or prospectuses, posted on the schools' and MAT's websites or on the schools' official Twitter account. Names of individual students will not be attached to photographs and no contact details will be published. Where photographic permission has been withheld, photographs will not be published.

## **21. Social Media**

All of the schools in the MAT have official Twitter accounts that are used to keep students, parents/carers and the local community up to date. These accounts can be accessed via the school's own website as well as the Twitter website. Photographs may sometimes be used during the following circumstances:

- Photographs of students taking part in school events,
- Photographs of students taken during trips,
- Photographs of students taking part in sporting events.

Names of individual students will not be attached to photographs and no contact details will be published. Where photographic permission has been withheld, photographs will not be published.

## **22. Photography**

Photographic and/or video images taken by staff may be used for curricular and/or extra-curricular activities, displays, on the website, in the prospectus or newsletter, as evidence of the student's development or as part of publicity in the media. Staff will ensure that:

- They are clear about the purpose of the activity and what will happen to the images when the activity is concluded.
- They always use school equipment for taking images.
- They will never photograph children in a state of undress, for example whilst changing for PE or a performance.
- They will report any concerns about inappropriate or intrusive photographs found to the Designated Safeguarding Lead for Child Protection following the relevant school's safeguarding procedures
- They have parental permission to take, store and/or display the images.

## **Storage of Images**

- Photographs retained will not be used other than for their original purpose, unless permission is obtained from the subject.
- Images should always be stored securely on the staff area of the relevant school's server.
- Photographs should be destroyed or deleted from databases once they are no longer required for the purpose for which they were taken. Photographs taken for publicity and promotional purposes should be retained for a maximum of two years. Photographs contributing to the history of the schools, their children, activities or the community, may be retained indefinitely.

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/carer is not happy to have their son/daughter's name printed on a photograph then consideration could be given to publishing the photograph with no names. The relevant school should make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If parents/carers of a student have indicated that the child is vulnerable and should not have a photograph printed then a team photography may not be appropriate.

### **2. Photo opportunities:**

- When we invite a newspaper to celebrate an event, the headteacher or relevant member of the senior leadership team should 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 photography they print. The only exception to this might be (as above) in a larger group shot (e.g. a group of more than 10 students).
- However newspapers usually prefer to work with smaller groups of students-e.g. three or four, and for this number names would definitely be required.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Establishments must give thought to this beforehand and parental permission/opinion must be their key guidance.
- This might mean offering only those children whose parents/carers 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 establishments must be prepared to forego newspaper publicity.

### **3. School Photographer**

Class and individual or group photographs are often an annual event. Parents/carers will be notified in advance of the photographer's visit and will be sent copies of photographs and given the option to purchase them. Copyright on all such photographs is retained by the photographer.

### **Types of Recorders**

**1. Regular auditing of the stored images** should be undertaken by a senior member of the leadership team.

### **2. 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.

### **3. 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.

### **4. Camera Sightings**

Every effort should be made to avoid inappropriate images and cameras should not be sited in toilets, changing rooms or other sensitive areas.

### **5. Out of School Hours**

Cameras may record inappropriate activities taking place on the schools' sites, without the schools' knowledge. If they are of a criminal nature, consideration should be given by a member of the relevant senior leadership 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.

# Photography and Images of students within The Four Stones Multi Academy System

Having read the information, do you give consent for the following? Please indicate, by ticking 'Yes' to say you give consent or ticking 'No' to say you don't give consent.

	Yes	No
1. May we take your son/daughter's photograph and use it as their profile picture on the relevant school's information management system? Please note that access to this system is restricted.		
2. May we take your son/daughter's photograph during activities that take place within the school day?		
3. May we video your son/daughter during activities that take place within the school day?		
4. May we take your son/daughter's photograph during extra-curricular activities?		
5. May we video your son/daughter during extra-curricular activities?		
6. May we take your son/daughter's photograph during school trips?		
7. May we video your son/daughter during school trips?		
8. May we use photographs of your son/daughter on our schools' and MAT's website?		
9. May we use photographs of your son/daughter in our schools' newsletters? Please note that our schools' newsletters are only available on the relevant websites.		
10. May we use photographs of your son/daughter in our schools' prospectuses? Please note that the schools' prospectus are also hosted on the schools' and MAT's website.		
11. May we use photographs of your son/daughter on our official schools' Twitter accounts?		
12. May we use photographs of your son/daughter (e.g. as part of a team or record of an event) for publication in a newspaper? Please note that the use of photographs in newspapers is subject to strict guidelines.		
13. May we use photographs of your son/daughter for displays in our schools?		
14. May we use video recordings of your son/daughter for displays in our schools?		
15. May we use photographs of your son/daughter for staff training and professional development activities?		
16. May we use video recordings of your son/daughter for staff training and professional development activities?		

This form is valid from the date of signing until your son/daughter leaves The Four Stones Multi Academy Trust (MAT). Photographs and videos will be securely archived after your son/daughter has left the the MAT. Photographs and videos used for publicity purposes may continue to remain in circulation after your son/daughter has left the MAT. You may withdraw your consent, in writing, at any time **but it may not be possible to remove images that are already in circulation or have already been published** although every effort will be made to do so.

We recognise that parents/carers and family members will wish to record events such as plays, sports days etc. to celebrate their son/daughter's achievements. The MAT is happy to allow this, at the discretion of the relevant headteacher, on the understanding that such images/recordings are used for purely personal family use. Images containing students **other than their own** should not be put on the internet for any reason, without first seeking permission from the other students' parents/carers.



**Declaration**

**Name of student**.....

I have read and understand the information regarding use of photographs/images and videos. I understand that my consent remains valid throughout my son/daughter's time within The Four Stones Multi Academy Trust.

**Signed (Parent/Carer)** ..... **Date**.....

I have read and understand the information regarding use of photographs/images and videos. I understand that my consent remains valid throughout my son/daughter's time within The Four Stones Multi Academy Trust.

**Signed (by student)**.....