



School Policy for the Safe Use of Children's Photographs

Introduction

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, video and sound recordings must be used in a responsible way. Schools need to respect children's and parents' rights of privacy and be aware of potential child protection issues.

At Lea Frances Olive Anderson School every reasonable effort will be made to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs. This policy applies to the use of photographs in school publicity materials, on its website and in the press. This policy reflects the consensus of opinion of the staff and governing body of Lea Frances Olive Anderson Church of England Primary School. Its implementation is the responsibility of all staff. Parents and visitors will be made aware of this policy.

Child Protection

There may be a risk when individual pupils can be identified in photographs. For that reason the governing body of Lea Frances Olive Anderson School have developed this policy to make every effort to minimise risk. In the event of the inappropriate use of children's photographs the Headteacher will inform the local Child Protection Officer and Social Services and / or the Police. The headteacher should decide whether the publication of a photograph or video might pose a risk to a child.

Data Protection Act and School Events

In December 2004, the Information Commissioner's Office published the following clarification regarding the mistaken idea that parents cannot take photographs at school events due to Data Protection issues.

*'Photographs taken purely for personal use are exempt from the Data Protection Act, (DPA).'
This means: Parents, friends and family members **can** take photographs of their child and friends participating in school activities for the family album and **can** film events at school.*

Photographs taken by the media are also usually exempt from the Act.

In the very small number of circumstances where the DPA does apply, if permission is sought by the photographer, this will usually be enough to ensure compliance. The main issue of DPA applying to educational establishments is where photographs are taken for official use by schools and colleges, for example Identity Passes, and the images are stored with personal data such as names.

In such cases consent would be required, along with information for parents explaining purpose, security of storage and the length of time for which the images would be retained.



It would still be good practice for schools to manage the way in which parents film events as constant interruptions will both distract children and prevent them from performing to the best of their ability and also be an annoyance to others in the audience.

(See 'Filming Events' below)

Appropriate Use of Images in School Publicity Materials

The staff and governors of Lea Frances Olive Anderson School will:

- Ensure that images are stored securely and used only by those authorised to do so;
- ensure that electronic images are stored on a secure network to which members of the public have no access;
- not use an image of any child who is subject to a court order;
- secure parental consent for the use of children's photographs;
- not use photographs of children or staff who have left the school without their consent;
- only photograph children in swimming costume from the waist up.
- inform parents that photographs are only for private use and not to be shared on Facebook, Twitter, or similar social media.

School Website

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the staff and governors of Lea Frances Olive Anderson School are aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people.

The governors will seek the consent of parents regarding the use of images on the Internet. Children's names will not be included in photographs of children published on the school website.

Newspapers

Newspapers will want to include the names of pupils in photographs that they intend to use. Parental consent must be secured and it should be made quite clear to parents that the named photograph will appear in a newspaper.

For photographs of larger groups e.g. 'Year 5 it should be sufficient to simply state 'Year 5 from Lea Frances Olive Anderson CE Primary School', If names have been requested consent has been secured, there should not be significant concerns as to their use.

For smaller groups of up to about 9 pupils, individual names will be requested. The Headteachers should balance the level of risk against the benefits of publication and make their decision accordingly. Again, if consent has been secured then schools are doing what is reasonably practicable, given the risk involved.

The County Council does not seek to ban the publication of pupils' names in newspaper articles or as captions with photographs.

Reviewed December 2015



Whilst recognising that there is a low level risk, cases are actually very rare though widely publicised. The control measures thus need to be suitable and sufficient. Ensuring consent, clarifying purpose and use and following the guidance in this document are reasonable control measures.

Under no circumstances whatsoever should any possible contact details be released.

The use of photographs in newspapers and magazines is already 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.

There is no breach of the Data Protection Act 1998 in passing on a child's name to a journalist as long as parental consent has been secured. Lea Frances Olive Anderson School will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian has provided their consent.

Filming Events

Parents or other spectators may want to photograph or video record an event such as sports day or an arts performance. This is a valuable part of school life and can be very rewarding for both the family and school. It should not cause any problems so long as parents are clear about our expectations. The issues are manageability and 'right to privacy' and not Data Protection as may have been previously understood.

On occasions, commercial video films may be made of children on educational visits and performing in school productions. The school will inform parents where arrangements have been made for a commercial photographer to film such an event.

Parents and any other spectators should let the event organiser know if they wish to use photographic equipment. The school should consider creating a designated area in which photographs or filming can take place. You will then know who is photographing or filming and whether they have permission to do so.

Making sure that the images are appropriate applies to video as well as film. This may have implications for the way in which events are stage-managed or for where your designated filming area is located.

Where a commercial photographer is used, the school will follow the NSPCC guidelines which are as follows:

- Schools should provide a clear brief about what is considered appropriate in terms of content and behaviour;



- Schools should issue the photographer with identification which must be worn at all times;
- Schools should let parents and children know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs;
- Schools should not allow unsupervised access to children or one-to-one photo sessions at home;
- Schools should not approve / allow photo sessions outside the event or at a child's home.

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

If schools or parents have concerns regarding the use of filmed images by television companies they should contact the Office of Communication (Ofcom).

Camera Phones in Schools

Concerns have been expressed about the risks posed directly and indirectly to children through the use of camera phones on school premises.

The most recent reservations surrounding camera phones have been over the safety, security and well being of children, whether they are the users or victims of the technology.

The risks with camera phones are:

- They are very small and can be used without the subject knowing, and in areas such as changing rooms.
- They can be used to bully other children.
- They can be used to cheat in tests, exams etc.
- It is not obvious a picture is being taken.
- Visitors to schools do not have to declare they are carrying one.
- Once an image is taken it can be modified and misused.
- No flash is given off.

In order to minimise risk at Lea Frances Olive Anderson School:

- Staff will only use mobile phones in office areas while school is in session;
- Visitors will be advised of the ban on the use of camera phones in school and, wherever possible, will be accompanied by a member of staff during the duration of the visit;
- Children are not permitted to bring mobile telephones on to school premises.

Social Media

No one is allowed to put photos taken at school of other children on social media. The exception to this is our closed Twitter account which has restricted access to parents who have signed consent forms.

Parental Consent

Reviewed December 2015



The governors of Lea Frances Olive Anderson School will seek the consent of parents / guardians regarding the use of photographs of children. The consent will include agreement on:

- How and where the photographs will be used;
- The period of consent; and
- The storage and deletion of photographs

Consent will be sought as part of the Pupil Information form process on admission to school and renewed each new school year. Where circumstances change, it is the responsibility of the parent or guardian to inform the Headteacher in writing.

Consent forms will be retained as part of a child's individual records while the child is still at school.

Monitoring and Review

The Headteacher and Governing Body will review this policy on a triennial basis.

Background Documentation

This policy is based upon guidance provided by Lincolnshire Education Authority (*Policy and Guidance to Manage the Safe Use of Children's Photographs - October 2004*)

Agreed by the Full Governing Body January 2016

To be reviewed November 2017