



"Developing potential without limitations"

# Frieth C.E.C. School

## Photography and Filming Policy

**Date implemented :** May 2018

**Member of staff responsible:** Headteacher

**Governing body committee responsible:** PRP /Safeguarding Governor

**Headteacher's signature** ...Mrs J Reid

**Chair of Governor's signature** ...Mrs Merelina Tebbot

Review date: May 2019

signed:

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## **Introduction**

This document outlines the procedures for the safe use of photos and other electronic images of pupils at Frieth C.E.C. School.

## **Linked Policies**

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

- GDPR Data Protection Policy
- Confidentiality
- Child protection
- E-Safety and ICT Acceptable Use Policy
- Complaints
- Freedom of Information
- Social Media Policy

## **Aims**

The photo's in school policy is designed to:

- Ensure that children are safeguarded with respect to photos and other electronic images taken in Frieth C.E.C. 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 Frieth C.E.C. School.

## **Legal Framework**

The General Data Protection Regulations 2016 is relevant: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

The school is registered under the act.

## **Frieth C.E.C. School Policy on Procedure for the safe use of photographs and electronic images**

### **1. Introduction**

Frieth C.E.C. 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.

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 policy has been devised in conjunction with the advice given by the NSPCC on safeguarding pupils in school and the General Data Protection Regulations (GDPR) 2016

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 Frieth C.E.C. 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.
- Displays in the school of children's activities.
- Publications by Frieth C.E.C. School and by our partners.
- 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 any photographs or videos to be published in any form. The Headteacher will ultimately decide whether the publication of a photograph could pose a risk to a child.

#### **4. General Data Protection Regulations and School Events**

Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the GDPR. This means that parents, friends and family members are permitted to take photographs of their child participating in school activities for the family album and are also permitted to film events held at school. However, **photographing and filming will be at the discretion of the Headteacher.**

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 or medical information 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.

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

Images accompanied by personal information, such as the name of a child and their hobby, could be used to learn more about a child prior to grooming them for abuse. To overcome any issues relating to the use of photographs of a child or children, Frieth C.E.C School has followed the NSPCC advice ( <https://www.nspcc.org.uk/preventing-abuse/safeguarding/photography-sharing-images-guidance/> ) and 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.
- Individual children will not be named next to a photograph or within school publicity.
- 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. The School is aware of good practice and ensures that Frieth C.E.C. 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 may wish to include the names of pupils in photographs they intend to use however, Frieth C.E.C. School applies the same measures to Newspapers and social Media as it does to its school publications and will not name pupils within photographs. For larger groups of children it should be sufficient to state, e.g. 'Class 2 from Frieth C.E.C. School'. 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.

**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 Frieth C.E.C. 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 Frieth C.E.C. School. The form covers both Frieth C.E.C. School 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 Frieth C.E.C. 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. 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.

#### 14. 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).

#### Appendix

1. Consent form for schools to use when children join the school

#### Frieth C.E.C School

Consent to use images of my child \_\_\_\_\_ (full name)

I understand that parents/carers are not in breach of the *General Data Protection Regulations 2016* if they have been invited to a school event by the Headteacher and Governors and take photos/video recordings which are for family use only.

I understand that parents/carers should make every effort to only include their own child in any photos or videos of school performances.

I understand that parents/carers are not permitted to take photos or make videos to sell as this would require the consent of all parents/carers whose children are included.

I understand that parents/carers are not permitted to share any photos or videos on social media or the internet to ensure the safeguarding of all our pupils.

I understand that the school may wish to process images for promotional use or to report an event. I give permission for the school to use an image of my child to:

- Publicise an event
- Report on an event
- Send photos to the press
- Transmit photos over the web/internet to the press
- Put photos on the school website
- Put photos in the school prospectus
- Make a DVD/video of a special event (e.g. performance) for sale to parents

***Please tick each of the above statements you agree to - if any are not ticked we will assume we do not have permission for this use of your child's image in this way.***

In such an event I understand that my child will not be individually named.

Any photographic images I take will be for personal or family keepsakes and will not be



shared on social media.

Signed (Parent/Guardian/Carer) : \_\_\_\_\_ Date: \_\_\_\_\_

Or

- I do not give permission** for the above and will inform the Headteacher in writing of my reasons