

Marton Manor Primary School

Policy for taking of photograph and video images Policy Statement

This policy was reformulated in consultation with staff and Governors at Marton Manor Primary School in Summer 2014. It was approved by Governors in 2014 and was last reviewed in Summer 2019. It will be reviewed in Summer 2022 or earlier if necessary.

Marton Manor Primary School acknowledges that every child 's safeguarding is important . This policy has particular implications for child health (children and young people should be physically, mentally and emotionally healthy) and safety(safe from maltreatment, sexual exploitation, and bullying)

The Policy

The decision as to whether or not a particular school event can be videoed photographed or otherwise captured as an image or series of images will be the responsibility of the head teacher. The Governors will support the head teacher's decision; the head teacher must be enabled to make a dynamic risk assessment without fear of repercussions. Photography by parents/carers/guardians and other visitors to school will only be allowed where the head teacher's permission has been granted. If permission is granted, the instructions in the following pages must be adhered to.

The use of photography and other image capture for educational and official school purposes will be considered by the head teacher on a case by case basis, with the following advice applied in each case where applicable.

The Scope of the Policy

This policy applies to image capture or intended image capture within the boundaries of Marton Manor School, either indoors or outdoors, including day and residential visits made by pupils in the care of the school's staff.

“Image capture”, “photography” and “videoing” refer to any kind of image capture, still or moving, obtained by any photographic device including still image cameras, video cameras, CCTV cameras, webcams and photographic enabled mobile telephones, and any other type of image capture device not specified here, whether digital or not, using technology existent at this time or in the future. The storage of such images includes film negative, film positive (e.g.transparencies and slides, movies, etc), photographic paper, digital media, magnetic tape and any other kind of storage method able to be used for the

storage of images, still or moving, available now or in the future.

Applying the Policy

1 Introduction

1.1 The safety and well-being of the children at Marton Manor Primary School is the responsibility of the head teacher, the staff, the governing body and the parents/carers/guardians of those children. The head teacher has overriding responsibility for children in the school, both during normal school hours and during extra curricular activities.

1.2 When deciding whether or not to allow photography and/or video recording in school, the head teacher has to consider many complex aspects of the law and child safety. Human Rights legislation and the Data Protection Act 2018 give people certain rights, and it is the right to ‘privacy’ that is the issue when using photographs or other images. The Copyright, Designs and Patent Act 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. Therefore, if a private company is hired to video a school show, unless there is a contractual agreement otherwise, the company will own the copyright and can use the recording for their own purposes – e.g. as a publicity video.

1.3 The Information Commissioner’s Office (ICO) has offered advice regarding the use of photographs and video recordings taken in school, and differentiates between PERSONAL and OFFICIAL use -

2 Parents/Carers/Guardians & Other Visitors taking Photographs and/or Video at School Events for Personal Use

2.1 As the head teacher has this overriding responsibility, the LA has decided that it is left to her to decide whether or not parents/carers/guardians, etc, should be permitted to take photographs and/or video recordings at school events. Such events include, but are not limited to, the following –

- School shows
- Open evenings
- Sports fixtures
- Craft fairs, fetes, etc
- Year Group Assemblies

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. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official school use:

- Photographs of pupils or students are taken for curriculum displays. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This is unlikely to be personal data and the Act wouldn't apply.

2.2 It is not necessary for consent to be obtained from each parent/guardian/carer if 'personal photography' is permitted, as such images are exempt from the provisions of the Data Protection Act. Notwithstanding the fact that such photos/recordings are primarily for personal use, there will always be the risk that an opportunist will seek to use the images elsewhere than in a private album. The proliferation of Internet web pages and social networking sites has given rise to increased concerns that images will be misused and that a child's face or body could be used to represent matters wholly contrary to the wishes of the parents/carers/guardians of those children.

Digital TV channels constantly seek footage and images for 'real life' shows and programs specialising in humorous video clips. Therefore, before the head teacher can grant any permission for parents/carers/guardians to capture images, it is incumbent on her to obtain the agreement of those recording that the images will not be misused. This can be done by making it a condition of entry and placing a header on the entry tickets or programmes for the event, and reinforcing it with a public announcement before the event commences.

2.3 The effort expended attempting to obtain a restrictive agreement as to use of videos and photographs may be prohibitive. Even if the person capturing the image(s) undertakes to abide to such an agreement, enforcing the agreement after it has been breached will both be too late and impracticable: unless there has been a breach of the criminal law, it would be a matter for the school and/or affected parties to pursue it through a civil court. This might well prove to be both costly and stressful for those concerned. Persons capturing images must be made aware that misuse (i.e. for anything other than personal use) might constitute a breach of data protection legislation

2.4 On each occasion it will be a matter for the head teacher to consider whether or not photography and/or videoing by parents/carers/guardians will be permitted, but the presumption is that photography and videoing by parents/carers/guardians, etc, will not be permitted, unless otherwise specified. The head teacher will ensure that parents/guardians/carers are informed of her decision for each event affected.

2.5 When personal photography and/or videoing are not permitted, the head teacher may consider appointing an individual or organization to photograph or video the event (subject to the provisions in section 3, below). However, there will often be cost implications, and it might not be practicable in all instances – e.g. there may be instances where the head is aware of a child or children who are at particular risk, so it may be the case that even a professional should not be engaged to record or photograph an event. If the decision is made to engage an ‘official’ person, the permission of parents/carers/guardians will be required for each child concerned. An ‘official’ person may be engaged in addition to permitting private image capture.

2.6 If permission is given for private image capture, consideration should be given to setting aside a specific area from where the images may be captured so that it might be properly regulated. This might be a limited area at the back of the school hall (if an indoor event) or adjacent to a sporting activity. It may be necessary to limit the number of person allowed into the limited area at any one time due to health and safety considerations. The taking of images outside of these areas should then be prohibited to prevent the intentional or accidental capture of images that might pose a risk to children – e.g. taking pictures of partially clothed children in changing areas.

2.7 In cases where an ‘official’ person is appointed as in 2.5, and where a parent/carer/guardian of a particular child or particular children informs the school that the child(ren) is/are not to be photographed/videoed, consideration may be given to not having the event captured on video, etc, or withdrawing that child from the performance, or alternate arrangements for such a child may be agreed between the Head Teacher and Parent/Guardian as appropriate to the situation, if appropriate to the situation. However, such instances must be treated in confidence, and care must be taken not to embarrass and alienate the child(ren) in question.

2.8 DBS checks will be requested and security issues will be given careful consideration in relation to official photographer/filmmakers, etc, and the storage of images (personal data) by them.

2.9 Photography in any form is strictly prohibited in or around toilets, changing rooms, or any room being used as a changing facility.

3 Official Photography and Videoing in Marton Manor School for School Use

3.1 When taking a picture, Marton Manor School must –

(a) Obtain the consent of the person in the picture or from their parent or carer.

(b) Only use the photo or video 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.

(c) Follow the commitment made in the consent forms:

not to name the child;

not to use the photograph out of context;

not to use the photograph to illustrate sensitive or negative issues.

3.2 When photographing/videoing children, the school must –

(a) ensure that parents/carers/guardians of young people have signed and returned the consent form for general photography. Any images going beyond the school need additional specific consent.

(b) ensure all children are appropriately dressed;

(c) 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;

(d) not use images of a child who is considered very vulnerable, unless parents/carers/guardians have given specific written permission;

(e) avoid naming young people. If one name is required then use the first name only where possible;

(f) use photographs or videos that represent the diversity of the young people participating;

(g) report any concerns relating to any inappropriate or intrusive photography to the head teacher;

(h) remember the duty of care and challenge any inappropriate behaviour or language;

(i) not use images that are likely to cause distress, upset or embarrassment, and

(j) regularly review stored images and delete unwanted material, in accordance with the school Data Protection Policy.

3.3 Parental Permission

3.3.1 Use of official images of children requires the consent of the parents/carers/guardians. Permission should always be obtained by using the School form when a child joins the establishment. The form covers the use of images in publications and on the school website. Each year as part of a standard communication, parents/carers/guardians should be asked if they wish to change their permission. If they do, encourage them to contact the head teacher.

3.3.2 When a parent does not agree to their child being photographed, the head teacher must 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 netball 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. A signed consent form relating specifically to that photograph will be required if the parent/carer/guardian has given exceptional permission.

3.3.3 When photographic images are transmitted or shared beyond the establishment e.g. television broadcasts, images on websites, specific permission should be obtained (see Appendix 4).

3.4 Inter-School Fixtures

Apply these guidelines to inter-school events. If a Marton Manor School child for whom photographic consent has been declined is involved in one of these events, the head teacher(s) of the other school(s) must be informed and all efforts taken to ensure that that particular child is not photographed or videoed. It will be a matter for school staff present to discuss this with the staff from the other establishment.

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

3.6 Displays in Schools

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

3.7 Accidental Photography

If a parent/carer/guardian has asked that a child not be photographed or videoed, all efforts must be made to ensure that the child is NOT photographed/videoed. However, if the child is inadvertently caught on camera, e.g. in the background, as a reflection, etc, all identifying features (including distinctive apparel) must be obscured beyond recognition before use. If that cannot be done, image(s) must be permanently deleted (or erased) and not used. In the case of traditional non-digital photography, that will include the destruction of the

negatives/transparencies, etc. any printed copies must also be destroyed.

3.8 Copyright Agreements

The Copyright, Designs and Patent Act 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. Therefore, if a contracted outside body is engaged to photograph and/or video a school event, consideration must be given to reaching an agreement with that body that the copyright must remain with Marton Manor School. If such an agreement cannot be reached, the head teacher must try to obtain an agreement that the body will not use the photographs or recorded material for anything other than the purpose for which it was made – e.g. to provide a record of the event for parents/carers/guardians, the pupils and staff. It will be essential for the purpose to be stated in any agreement. If no such agreement can be reached, the services of that body should not be used.

4 Children Photographing Each Other

4.1 This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in the school policy governing off-site visits. 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.

4.2 There are occasions when, as part of a school activity on school premises, children may be involved in taking photography or video imagery of each other, such as for school news papers, or English/drama activities. Staff must supervise such activities and maintain responsibility for monitoring children's use of the cameras. Only school equipment may be used for these purposes. The use of these images will be the responsibility of the data controller.

5 Newspapers

The following scenarios can occur:

(a) Team photographs:

- When everyone is prepared to allow team photographs and first names only to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration could be given to publishing the photograph with no

names. The head teacher / manager should make every effort to ensure, in conjunction with the newspaper editors, that this occurs.

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.

(b) Photo opportunities:

When an establishment invites a newspaper to celebrate an event, the Head teacher should make every effort IN ADVANCE to ensure that the newspaper's requirements could be met.

Except for large group photographs, many papers may prefer to publish the full names of anyone in a photograph they print. However newspapers usually prefer to work with smaller groups of children. It must be made clear to the newspaper's representatives that the full names must not be published. If no agreement can be reached, the session should not be permitted to take place.

6 Use of Internet/Intranet Sites

Many establishments will have an internet/intranet facility. The website/IT manager should know good practice and ensure that the establishment 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 leotard.

7 Mobile Phones

Pupils will not be permitted to use mobile phones in school. If a parent/guardian/carer considers that there is a pressing need for a child to possess or have access to a mobile phone in school, the head teacher should be approached and special permission sought. Each application will be treated on its own merits. In the rare event of permission being granted, the device must not be used for photography or videoing purposes on school premises. Consideration should be given to enabling the child to safely deposit the device at the school office in the morning and collect it when it is needed.

8 Webcams

8.1 The use of webcams might be deemed appropriate during ICT lessons – e.g. for video conferencing with another class or school. If it is decided that webcams are appropriate, the parents/guardians/carers of the class(es) concerned must be informed of the reasons and use and prior consent must be obtained. If no consent is obtained, that child will not be able to participate. If it is considered that the child will miss out on a vitally important piece of the curriculum, steps should be taken to

reassure the parents declining consent that the system is secure and that the images will not be misused.

8.2 It may be appropriate to use a webcam for pupils to observe small, safe areas, such as a school pet's sleeping area, or activity at the pond (e.g. tadpole developing, etc). Provided that no children will be captured as an image, there will be no concerns regarding consent.

8.3 For reasons of security, webcams should not be left to run when concentrated on a particular area of the school, as dishonest viewers might well be able to observe weak points in the security of the premises. Webcams do not ordinarily make for good security devices.

9 CCTV

CCTV cameras are a good deterrent to prevent crime. If such devices are installed the advice of the local police crime prevention officer must be obtained and followed regarding the capture, retention and storage of images. These images will be subject to the provisions of data protection legislation: no specific consent is required, but prominent signs must be displayed to advise persons that they are in an area where cameras are or could be recording.