



Whole School Policy

Use of Children's Photographs

September 2020

Holly Primary School USE OF CHILDREN'S IMAGES

***The word images is used here to include photographs, digital photographs, webcam, film and video recordings**

Introduction

1. Holly Primary School believes that the responsible use of children's images can make a valuable contribution to the life and morale of the school. The use of photographs in school publicity materials can increase pupil motivation and help parents and the local community identify and celebrate the school's achievements.
2. We only use images that the Head Teacher (Mr White) and our Governing Body consider suitable and which appropriately represent the range of activities the school provides and the values it adheres to. No images will be used which could be considered to put any child at increased risk.
3. Through this policy we aim to respect young people's and parents' rights of privacy and minimise the risks to which young people can be exposed through the misuse of images. The policy takes account of both data protection and child protection issues.

Data protection

4. Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. We will not use images of identifiable individuals for school publicity purposes without the consent of either the individual themselves or, in the case of pupils, their parent, guardian or carer. A sample consent form for pupils is attached at Appendix A.
5. In seeking consent, we will ensure that parents are clear why we are using a child's image, what we are using it for, and who might want to look at the pictures. Our consent form makes clear the period of time for which consent applies.
6. All images will be stored securely and used only by those who are authorised to do so. We will not re-use images of children after they have left the school; these images will be destroyed.

Child protection

7. We will only use images of children in suitable dress. The Head Teacher (Mr White) and Governing Body will decide if images of some activities – such as sports or arts – are suitable without presenting risk of potential misuse.
8. Any evidence of the use of inappropriate images, or the misuse of images, will be reported to the school's child protection designated teacher, the LA, Social Services and/or the police as appropriate.
9. Individual pupils will not be named in conjunction with their image and we will never use an image of a child who is subject to a court order.

Websites

10. We will adopt the same principles as outlined above when publishing images on the internet as we would for any other kind of publication or publicity material. However, the school recognises that there is no control over who may view images, and consequently a greater risk of misuse of images, via the internet. We will therefore give specific consideration to the suitability of images for use on the school's website.
11. Images, and accompanying details, will only be used in line with government guidance as outlined on the Department for Education and Skills Superhighway Safety website.

External photographers and events

12. If the school invites or permits an external photographer to take photographs within school, we will:
 - Provide a clear brief for the photographer about what is considered appropriate in terms of content and behaviour
 - Issue the photographer with identification which must be worn at all times
 - Let children and parents know that a photographer will attend an event and ensure they consent to both the taking and publication of films or photographs
 - Not allow unsupervised access to children or one-to-one photo sessions at events.
13. The same conditions will apply to filming or video-recording of events.
14. Photographs taken by journalists are exempt from the Data Protection Act as newspapers are subject to strict guidelines governing the press. However, wherever possible and practicable, we will secure parental permission before allowing journalists to take photographs of pupils.



CHILD PHOTOGRAPH CONSENT FORM

Location of photograph:

Intended use:

To the parent or guardian of:

Name of child _____

School _____

Nottinghamshire County Council occasionally takes photographs of children in its schools for promotional purposes. We would like to use a photograph of your child for our publications or website*.

To comply with the Data Protection Act 1998, we need your permission before we use any photographs we have taken. Please complete the declaration below and return it to us.

I give permission for my child's photograph to be used by the County Council:

- For general use
- For this single purpose only

I have read and understood the conditions of use on the back of this form.

Signed _____

Name (in capitals)

Address _____

Date _____

**Please note that websites can be seen throughout the world and not just in the United Kingdom where UK law applies.*

Conditions of use

1. This form is valid for *four years from the date of signing/*for this project only. Your consent will automatically expire after this time. We will not re-use any images *after this time/*after the project is completed.
2. During this four-year period, the photos will be kept in a secure location and only authorised staff will have access to them. After this period the photos will be privately destroyed.
3. We will only include a child's full name as photo captions for press releases if the child is not easily identifiable by a member of the public, eg not identified by a school uniform. Addresses will not be disclosed in detail, but we may state eg 'John Smith from Newark'. Personal e-mail, telephone or fax numbers will not be disclosed.
4. If we use an image of an individual pupil who is identifiable by their school, we will not use the name of that child in the accompanying text or photo caption without good reason.
5. If a pupil is named in the text of a publication, we will not use a photograph of that child to accompany the article unless we have specific consent. For example, we might want to include a picture and a full name of a competition prize winner. However, we will not include a picture and full name of a child in promotional literature.
6. We may use group or class images with very general labels, such as 'a literacy hour' or 'children exploring the environment'.
7. We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.

**Policy adapted from NOTTINGHAMSHIRE LA
GUIDANCE ON THE USE OF CHILDREN'S PHOTOGRAPHS**

Introduction

1. Schools need and welcome positive publicity. Children's photographs add colour, life and interest to photographs of 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.
2. However, photographs must be used in a responsible way. Schools need to respect young people's and parents' rights of privacy and be aware of potential child protection issues.
3. Many organisations provide advice on the use of images, especially on the internet, and most would agree on a few principles to follow to ensure responsible use. However, some organisations (and some local authorities) believe that the only way to be sure of protecting children is to ban the use of photographs in all school publicity materials.
4. The LA's view is that schools need to balance potential risks against the advantages of promoting the school in a colourful and attractive way. Risk can be minimised by following the advice in this paper and in securing parental consent for the use of photographs. The school should develop a policy in relation to the use of photographs in school publicity materials, and on its website, and make sure that parents are aware of this policy. [A model policy](#), drafted by the LEA, is available on Wired in the same location as this guidance.

Child protection issues

5. Risk occurs when individual pupils can be identified in photographs. Providing the name and photograph of a pupil in a publication or on a website allows for the possibility of people outside the school identifying and then contacting pupils directly. Bear in mind that the school logo on a shirt or jumper, if it can be easily read, could help identify an individual pupil.
6. The NSPCC warns that this information could make a child vulnerable to abuse. Also, the content of the photo can be used or adapted for inappropriate use. There is evidence of this adapted material finding its way onto child pornography sites.
7. However, their advice is that organisations should develop a policy in relation to the use of images and ensure that parents support their policy.

8. Both the DfES and the NSPCC recommend that you create a recognised procedure for reporting the use of inappropriate images in the same way as you would for any other child protection issue - inform your child protection officer and Social Services and/or the police. Head teachers should decide whether publication of a photograph might pose a risk to a child.

Data Protection Act

9. Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. Therefore, using such images for school publicity purposes will require the consent of either the individual concerned or in the case of pupils, their legal guardians. This means that school should not display images of pupils or staff on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.
10. You must get the permission of all the people who will appear in a photograph, video or webcam image before you record the footage. That means adults as well as children.
11. You must make it clear why you are using that person's image, what you will be using it for, and who might want to look at the pictures.
12. If you are taking images at an event attended by large crowds, this is regarded as a public area so you do not need to get the permission of everyone in a crowd shot. People in the foreground are also considered to be in a public area, but if any individuals are identifiable in the photograph, you should get their consent before using it.

Appropriate use of images

13. The problem of identification can be avoided by never using photographs of individual children, only group or whole class shots, or by ensuring that faces are out of focus or pupils are partly or wholly turned away from the camera.
14. However, this approach can produce very dull photographs that will do a poor job of promoting the school. A more positive approach is to follow a few rules on using photographs of individual children:
 - If the child is named, avoid using their photograph
 - If a photograph is used, avoid naming the child
 - Only use images of children in suitable dress to reduce the risk of inappropriate use. This is a judgement for the head teacher to make but some activities – swimming, gymnastics and athletics – clearly present a greater risk of potential misuse. With these activities, the content of the photograph should focus on the activity, not on a particular child, and should avoid full face and body shots. So, for example with swimming, shots of

children *in* a pool would be appropriate or, if poolside, seen waist or shoulder up

- Never use an image of a child who is subject to a court order
- Establish whether the image will be retained for further use
- Make sure images are stored securely and used only by those authorised to do so
- Do not re-use photographs of children (or teachers) after they have left the school
- Secure parental consent.

Photographs taken by pupils

15. The area of concern here is that of photographs taken by pupils of each other. This may be on school trips or residential visits or it may be within school. The increasing availability of mobile phones that can take photographs and transmit them instantly adds to the worry that images could be used inappropriately.
16. It is very difficult for the LEA to advise in this area because the concerns arise very much from within day to day school life.
17. The use of cameras on trips or visits is part of the pleasure and learning in the experience. There is no reason why pupils should not be allowed to take photographs so long as anyone photographing respects the privacy of the person being photographed. This should be seen as part of the school's code of behaviour. Infringement of this respect of privacy is akin to bullying and should be dealt with in the same way as any other breach of school discipline.
18. A positive approach to tackling many of the issues raised by this report would be for it to be regarded as a citizenship issue. The responsible use of photographs is a significant issue in society, especially when one considers the media's use of photographs. The consequent invasion of personal privacy is an issue of civil and human liberty. These could form the basis of a valuable topic within the citizenship curriculum.

Websites

19. The basic advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, you do need to be more aware of the potential risk of inappropriate images because of the lack of control you have over who might see the image and the wide extent of misuse of the internet by certain people.
20. Make sure your consent form explicitly includes publication on the internet. It is not sufficient to re-use a consent for printed publication

21. Simple technology features such as watermarking may stop the misuse or downloading of your images.

Newspapers

22. Newspapers will want to include the names of pupils in photographs that they intend to use but so long as you have secured parental consent, and parents are quite clear that the photograph will appear in a newspaper, you should not have particular concerns about their use. Most parents are delighted to see their children's faces in their local newspaper.
23. The use of photographs in newspapers 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 or any other 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.
24. Newspaper editors have become increasingly concerned that schools are jeopardising potentially valuable good publicity by refusing to give the names of pupils. They point out that "without names, pictures are of limited interest to local newspapers".
25. There is no breach of the Data Protection Act in simply passing on a child's name to a journalist so long as you have secured parental consent. This issue is explored in more detail in Appendix A.
26. If schools or parents have any concerns regarding the use of photographs by the press, they should contact the Press Complaints Commission.

Filming events

27. Parents or other spectators may want to photograph or video at an event such as a sports day or 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 your expectations.
28. Parents, and any other spectators, should let the event organiser know if they wish to use photographic equipment. You 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.

29. Making sure that 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.
30. If a commercial photographer is used, the following advice from the NSPCC is helpful:
- Provide a clear brief about what is considered appropriate in terms of content and behaviour
 - Issue the photographer with identification which must be worn at all times
 - Let children and parents know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films of photographs
 - Do not allow unsupervised access to children or one-to-one photo sessions at events
 - Do not approve/allow photo sessions outside the event or at a young person's home.
31. If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the event organiser who should record them in the same manner as any other child protection concern.
32. If schools or parents have concerns regarding the use of filmed images by TV companies, they should contact the Office of Communications (Ofcom).

Parental consent

33. It is clear that parental consent is key to the appropriate use of photographs by schools. One way of getting this is by using a consent form. A sample consent form is attached as Appendix B. It is important to note the conditions of use on the rear of the form.
34. You should develop your own photography consent form which makes clear your policy on:
- how and where photographs will be used;
 - the period of consent; and
 - the storage and deletion of photographs.
35. Alternatively, you may wish to include consent for photographs to be taken and used along with other parental permissions as part of your registration process when a child starts at your school. You could then ask for consent for the duration of the child's time at the school and avoid the need to ask for parental consent on each and every occasion that you take photographs.
36. Although this usually means that you won't have to renew parental consent until a child changes school or starts at sixth form, you will have to be careful to

record any changed circumstances. This will be easier if you keep photographs and signed consent forms together. You should retain consent forms on file while the child is still at school.

37. Don't forget that you also need consent from teachers and any other adults who may appear in the photograph or video.

The LEA

38. The LEA maintains a stock of illustrations of schools' activities for use in LEA publications (printed or electronic). These images are not available for use in anything other than an educational context. The LEA does not identify any individual child by name in any image used for these purposes. Any illustrations of Nottinghamshire schools' activities are kept in a secure place and cannot be used without the permission of the publishing co-ordinator in the Communications Group at County Hall. Photographs organised at schools by the LEA are by arrangement with the head teacher or a member of staff acting on their behalf. Parental consent will always be secured for any photographs to be used.

Further information

39. Further information and advice is available from the websites of a number of organisations:
- The Information Commissioner's Office
<http://www.informationcommissioner.gov.uk/>
 - Nottinghamshire County Council's privacy statement
<http://www.nottinghamshire.gov.uk/home/privacystatement.htm>
 - DfES Superhighway Safety
 - The Football Association (useful information for photographs of any sporting activities)
<http://www.thefa.com/TheFA/GOALChildProtection/>
 - The Press Complaints Commission
<http://www.pcc.org.uk/index2.html>

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APPENDIX A

Pupil photographs in newspapers

1. There is not a problem in giving the names of pupils to journalists to accompany photographs that will appear in the newspaper.
2. The use of photographs in newspapers is already subject to strict guidelines. Newspaper editors must adhere to the Press Complaints Commission Code of Practice which states that:

“Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child or any other child in the absence of or without the consent of a parent or other adult who is responsible for the children.”

3. The key points here are about the welfare of the child and consent of a responsible adult. Most of the pictures newspapers print celebrate children’s achievements. It would be a great shame for the pupil, parent or school to miss out on opportunities for positive publicity like this. The child’s welfare is not at risk and there is no breach of the Data Protection Act in giving the child’s name to the newspaper.
4. There is no need for parental consent if the child’s welfare is not at risk.
5. This position is endorsed by the NSPCC though they point out that for a few children there can be child welfare issues. For example, where parents have separated or the child is subject to a court order a picture in the paper could help a former partner identify the family’s new address. However, you are very likely to know which children are in this situation and it would be sensible not to include them in any photographs that are to be published.
6. You also usually have advance warning when the media are being invited to attend school. If parents know of this, they can at least opt their children out of any photographs if they so wish.



CHILD PHOTOGRAPH CONSENT FORM

Location of photograph:

Intended use:

To the parent or guardian of:

Name of child

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To comply with the Data Protection Act 1998, we need your permission before we use any photographs we have taken. Please complete the declaration below and return it to us.

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- For this single purpose only

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3. We will only include a child's full name as photo captions for press releases if the child is not easily identifiable by a member of the public, e.g. not identified by a school uniform. Addresses will not be disclosed in detail. Personal e-mail, telephone or fax numbers will not be disclosed.
4. If we use an image of an individual pupil who is identifiable, we will not use the name of that child in the accompanying text or photo caption without good reason.
5. If a pupil is named in the text of a publication, we will not use a photograph of that child to accompany the article without good reason. For example, we may include a picture and a full name of a competition prizewinner if we have their consent. However, we will not include a picture and full name of a child in promotional literature.
6. We may use group or class images with very general labels, such as 'a literacy hour' or 'children exploring the environment'.
7. We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.