

Photograph and Video Policy

Official use of Images/Videos of Children

Scope and aims of the policy

We live in an age in which digital technology has vastly increased the use, and potential misuse, of photography.

Publicity surrounding concerns about such matters as whether to allow filming of school events has prompted us to have a policy about the use of photography. In developing such a policy, the head teacher and the lead practitioner will open the issue for discussion with parents, if appropriate, to maintain trust in the parents' school relationship, and to enable those parents with concerns to specify that they withhold their consent for whatever reason.

Children who are victims of abuse are commonly abused by someone they know. We have taken the view that the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, provided reasonable steps are taken to ensure an appropriate photograph, and to protect full name and contact details, the practice of photography for school events by families and the media, should be allowed. In addition, the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police.

Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride which we believe usually enhance self-esteem for children and young people, and their families, and the practice should continue to do so within safe-practice guidelines.

Isn't this just scaremongering?

Sadly not. We have had cases in Kent of families receiving unwelcome phone calls following appearances in the press. However, this is rare, so it is important to have a sense of proportion in these matters. Remember we want to celebrate success and achievement, but parents must be aware of risks to make an informed decision.

1. The Data Protection Act 1998 affects the school's use of photography. This is because an image of a child is personal data for the purpose of the Act, and it is a requirement that consent is obtained for the parent of a child or young person under the age of 18 years for any photographs or video recordings for purposes beyond the school's core educational role. (E.g. school websites, school productions).

2. As it is likely that there will be several occasions during a pupil's school life when the school may wish to photograph or video that pupil, written consent will be sought for the duration of their stay. There may still be specific occasions when either because of the child's circumstances changing, or because a photograph will specifically identify the individual child in the local press for example, consent will be revisited.

3. Only official setting equipment and cameras will be used by staff to capture images of children for official purposes. Use of personal equipment or devices and cameras by staff is prohibited.

4. Where children are 'Looked After' the school will check consent with the social worker, who will clarify whether consent is needed from the child's parent and/or social services. There may be other situations, (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the class teacher to be at stake, indicating the need for extra care. Consent will be obtained in writing, but if it is only possible to obtain verbal consent, this will be carefully recorded by the member of staff concerned and the parent's signature sought.

5. Images will not be used once the pupil has left the school, unless separate consent is obtained. Similarly, consent gained for photographs or videos does not extend to website or webcam use, so it is important to check, when introducing such technology, the status of existing consent for pupils.

6. Planning photographs of children, images and details of pupils published together allow for the remote possibility that people outside the school could identify and then attempt to contact pupils directly. The measures described below will help to minimise the risk of such unsolicited attention. Where possible, the school will use general shots of classrooms or group activities. Rather than close pictures of individual children, considering the camera angle; photographs taken over the shoulder, or from behind will be less identifiable.

7. As children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, the school will consider airbrushing logos. The school will consider alternatives for example, is a photograph of the children necessary, or could an article be illustrated by the children's work instead? The DfES advise the following: If the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil. The school will attempt to use the minimum information and consider whether it is necessary to accompany a picture with the pupils' names, the year group, or the school.

8. When naming pupils in any published text, whether in the school's brochure, website, or in the local press, the school will avoid using their photograph. In cases where a pupil/pupils wish to be associated by full name with a photograph to be published for access beyond the school, parents will be revisited for their consent, and the DfES advice explained to them 'Using photographs of children supplied by a third party' Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs, and it rests with the photographer.

9. As copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it. Before using a photograph supplied by a third party the school will check that the third party owns the copyright in the photograph and will obtain their written or verbally recorded permission to use it. Images downloaded from the Internet are also subject to copyright.

10. Websites is an area which gives concern to parents because of the potential misuse of images by paedophiles. With digital photography there is the remote possibility that images of children could be produced, manipulated, and circulated, without the parents or child's knowledge. The dual concern which follows such a risk is that children might be exploited, and a school might be criticised or face action. The school will take special care when using photographs on the school website

11. Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not therefore stop parents from taking photographs or making video recordings at school events, such as nativity plays or sports events.

Parents are not permitted however to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a school event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached. The consent form reminds parents of this fact. Data Protection considerations aside, it is possible to ban all filming/recording/photography of school productions, sports days etc. The school believes however, that many parents would consider it to be over-cautious to impose such a ban and will not at this stage recommend this course of action. Staff will question anyone they do not recognise who is using a camera or video recorder at events and productions and include this instruction on your consent form for any events.

12. Photographs will be maintained securely for authorised use only and disposed of either by returning to the child, parents or shredded as appropriate.

13. The School will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. The school will undertake their own risk assessment in terms of the validity of the photographer involved and establishing what checks have been undertaken. Procedures will also ensure that levels of supervision are always appropriate to safeguard the welfare of children when visitors are present at the school.

The public sector equality duty of the Equality Act 2010 has been considered in the writing of this policy. A Discrimination Impact Assessment concludes that through this policy Llewellyn School endeavours to eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act. Advance equality of opportunity between people who share a protected characteristic and those who do not. Form good relations between people who share a protected characteristic and those who do not. Protected Characteristics: age, disability, gender, gender identity, race, religion or belief, and sexual orientation.

Policy Reviewed by:	Suzy Hollett (HR Manager)
Date:	30/05/2022

Policy Verified by:	Sara Llewellyn (School Leader-CEO)
Date:	01/06/2022

Date for Next Review:	30/05/2023
-----------------------	------------