

# **LAIRA GREEN PRIMARY SCHOOL POLICY ON THE USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN**

## **AIM**

Laira Green Primary School (hereafter referred to as “The School”) agrees to comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998 when using and/or authorizing the use of photographic and video images of children and will ensure that:-

- (i) where necessary, consent has been given prior to the taking and use of images on school premises, particularly where these show pupils,

And

- (ii) such images are used in a manner respectful of the eight Data Protection Principles and also of the rights conferred to individuals under these Acts.

## **CONSENT**

The School will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to the school’s educational role. This is because an image of a child is personal data for the purposes of the Data Protection Act 1998 and it is a requirement of the Act that consent is obtained.

Due to the number of occasions during a pupil’s time at school that the School may wish to photograph or video the pupil, the School will seek the consent of parents or legal guardians when the pupil starts at the School. This policy and consent will cover the whole of the pupil’s intended time at the School.

The School will at all times consider the need to revisit the consent in the event of a pupil’s circumstances changing.

The consent of a parent or legal guardian will normally be obtained in writing. However, it is recognised, that it is not always possible to obtain written consent and, in these circumstances, verbal consent is acceptable. If verbal consent is obtained it will be recorded in writing by the member of staff obtaining the consent (sample forms for obtaining and recording consent are attached to this model policy document).

The School will not use photographs or videos of children who are no longer pupils at the school, unless separate specific consent has been obtained to cover the intended use.

All images taken by officers of the school; MTAs, TAs, Teachers, Governors, Administration, Premises. Invited guests will be placed upon the schools server for security and Data Protection compliance.

Should there be images of children in the School's possession for which consent has never been obtained, the school will not use the images without the specific consent of parents or legal guardians. The attached standard consent form will not be suitable for this purpose.

The School will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as future school websites etc.

## **CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN**

When considering the use of images of children, the School will ensure that:-

- (i) Where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of classroom or group activities taken.
- (ii) Where possible only images of pupils in suitable dress (e.g. school uniform) will be taken. Even in a sports context, where practical, photographic/video images of children in PE or swimming gear will be avoided. Wearing team tracksuits is considered a good alternative.
- (iii) When a photograph or video image of a child is used, the child's name will not normally accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- (iv) When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a school brochure or on the School's website, a photograph/image of the child will not appear with the text.
- (v) No details of home telephone numbers, e-mail or home addresses are given.
- (vi) Where pupils/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them or their school) the School will seek additional parental/legal guardian permission for the child to be named.

## **USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY THIRD PARTY**

The School recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, the School will ensure that it checks that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

## **USE OF IMAGES OF CHILDREN BY THE PRESS**

There may be occasions where the press take photographs at school of pupils. The press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes.

Generally, parents and relatives take pride in “press cuttings” which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result the School will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached to this policy document covers this area.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children by the press. The school will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

The following are examples of the types of scenarios that can occur:

### **Team Photographs**

- (i) When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- (ii) It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. The school will give thought to this beforehand – and parental permission/opinion will be the key guidance.

- (iii) This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- (iv) If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group – the school will endeavour to negotiate a ‘first names only’ agreement with the newspaper.
- (v) Should this not be possible the school will be prepared to forego newspaper publicity.

### **PARENTAL RIGHT TO TAKE PHOTOGRAPHS ETC.**

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. However, the School reserves the right to refuse parents this opportunity for health and safety reasons, such as the use of excessive flashlight, bulky or noisy equipment.

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 School will make every effort to ensure that people with no connection to the School do not have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

### **USE OF A PROFESSIONAL PHOTOGRAPHER**

The School will ensure that any professional photographer engaged to record a school event is prepared to work according to the terms of this policy document and the following guidelines:

- (i) In the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the Data Protection Act 1998.

- (ii) Photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.
- (iii) Photographers will be asked to sign up to an agreement with the school which will include:
  - Compliance with the Data Protection Act 1998 (most professional photographers will be aware of these requirements).
  - That material may only be used for the School's own purposes and that permission has not been given to use the photographs for any other purpose.
  - That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfil the requirements under the contract or where written permission has been given by the school.
  - The photographer must comply with the steps set out above.
  - The photographer will be responsible for keeping his own records as evidence that he has carried out the above.

### **CHARGING FOR PHOTOGRAPHS/VIDEOS**

Where a nominated photographer (professional or otherwise) is used, the proceeds from any sale of photographs or copies of videos will go to the school fund and images will be sold at cost price.

### **CLOSE CIRCUIT TELEVISION (CCTV)**

Increasingly schools are installing such equipment for the following uses:

- As a method of controlling access
- An aid to site management in monitoring incorrect parking, maneuvering vehicles, delivery arrivals etc.
- Pupil behaviour issues/bullying. As a behavioural tool during breaks and lunch times it can be used to identify hot spots of inappropriate behaviour. It may also be used to monitor within the building, corridors and areas out of sight or not frequently trafficked by staff, for example in the vicinity of toilets.
- As an aid to members of staff with particular responsibility for behaviour management.
- To monitor personal safety for site supervisors, caretakers, cleaners etc.
- To monitor site safety and security.
- As an effective deterrent for crime.
- As a means of crime reduction and discouraging trespass.

Where CCTV is used within the school, and recorded in the manner described below, the school will ensure where possible that the following conditions are met:-

## Types of Recorders

- (i) **Video:** Images are recorded onto tape using usually, time lapse techniques. Banks of (usually) 31 days of tapes are retained so that a tape is allocated to each day. Images will only be retained for a designated period, this would not normally be any longer than 31 days. Tapes will be held in secure storage and the images erased and the tapes reused. Tapes require regular replacement and this will be undertaken approximately annually to ensure clarity of images. Images on tapes will be erased before disposal.
- (ii) Regular auditing of the stored images will be undertaken by a senior member of the management team.
- (iii) **Digital Images:** Increasingly such images are retained on computer hard drives. Such images will only be stored for designated periods and then erased from the hard drive.
- (iv) **Cameras:** Several types of camera may be used to record images and these include:
  - Fixed-Wide angle lens.
  - Dome cameras (rotary) with 360 degrees capacity.
  - Corner mounted cameras with 270 degrees capacity.
  - Manually operated pan tilt-zoom lenses. These have infinitely variable distance and angle capabilities and so can zoom onto individuals. The school will ensure that only authorised and designated staff have access to the equipment and that occasional and periodic monitoring of the images saved is undertaken by a senior member of management. Images will be destroyed after the designated period.
- (v) **Camera Sightings:** Every effort will be made to avoid inappropriate images and cameras will not be pointed directly at toilets/cubicals/urinals, changing rooms or other sensitive areas etc.
- (vi) **During School Hours and Out of School Hours:** Cameras may record inappropriate activities taking place on the school site, without the school's knowledge. If they are of a criminal nature, consideration will be given by the Headteacher to referring the information to the police.

Images taken out of school hours will be erased in accordance with the procedures identified above.

## **MOBILE PHONES**

The use of mobile phones which contain cameras with photographic capabilities are not permitted in changing rooms, toilets and other sensitive areas within the school.

## **REVIEW OF POLICY**

This policy will be reviewed by the Full Governing Body on an annual basis.

**Date Approved:** .....

**Reviewable on:** .....

# LAIRA GREEN PRIMARY SCHOOL

## STANDARD CONSENT FORM FOR SCHOOLS THE USE OF IMAGES OF CHILDREN

Dear Parent

For many years the School has recognised the importance of celebrating achievement and promoting the success of our children. Both parents and young people alike, gain great pride in seeing photographic images and/or video recordings of family members in the local press or on the television, following sports days, prize givings, nativity plays etc. and have supported the whole school ethos in the past. In other circumstances the taking of photographs or video recordings of pupils at our School may be for strictly educational purposes or for purposes ancillary to the running of the School (e.g. taking photographs for use in the School's prospectus or on the School website).

There may also be occasions when the local press visit our School to record particular school events (e.g. school productions) and they may wish to publish photographs of children in newspapers or use recordings of the children on television when reporting these events.

Following changes in the law and in order to comply with the Data Protection Act 1998, the School needs your consent in the future before allowing the taking of photographs or making video recordings of your child for purposes which are not part of its core activities. **We should therefore be grateful if you could answer the following questions, sign and date the form and return it to the School as soon as possible.**

<i>Please delete as appropriate</i>	
<b>Name of Pupil:</b> .....	
<b>Date of Birth of Pupil:</b> .....	
1. I agree that the School can take photographs of my child which may be used in School literature (e.g. the School's newsletters; the School's brochure/prospectus and other promotional material etc.).	<b>Yes/No</b>
2. I agree that the School can use images of my child on its website. (Please note the website can be viewed across the world).	<b>Yes/No</b>
3. I agree that the School can use images of my child in video recordings to promote the School.	<b>Yes/No</b>
4. I agree that the School can take photographs and make video recordings of my child for the School's own records, archives and future interest (e.g. photographs of sports teams).	<b>Yes/No</b>
5. I agree that my child can appear in video recordings or in collections of photographs stored on CD roms which the School may make of School events and which it may sell to parents of children at the School to raise funds for the benefit of the School.	<b>Yes/No</b>
6. I am happy for the press to take and use images of my child.	<b>Yes/No</b>
7. The School may give the press the first name only / first <u>and</u> surname ( <b>delete as appropriate</b> ) of my child for publishing with the child's photograph in a newspaper or for captioning on television.	<b>Yes/No</b>
<b>Please note that further details of these proposed uses of images of your child are given on the back of this form, which you should read.</b>	

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

**Signature of parent/guardian:** .....



Date: .....

Name (in block capitals): .....

**LAIRA GREEN PRIMARY SCHOOL**

**STANDARD CONSENT FORM FOR SCHOOLS  
THE USE OF IMAGES OF CHILDREN**

**CONDITIONS OF CONSENT**

1. The information which you provide in this Consent Form is valid from the time when the School receives this form until the time your child leaves the School. If your circumstances change or you change your mind about any issues addressed in this form please let the School know immediately.
2. The School will not use any images of your child once your child has left the School without obtaining the parents/legal guardians' specific consent.
3. The School will not itself publish names of pupils with any images of children without prior specific and separate consent from parents/legal guardians.
4. If a pupil is named in any text which the School publishes, a photograph will not be included with the text, unless this is the wish of the pupil and parents/legal guardians.
5. The School will generally avoid publishing close up or individual photographs of pupils. The School's preference is to publish class or group images of pupils.
6. The School will only use images of pupils who are appropriately dressed.
7. The School will not pass to the press the names of any pupils appearing in photographs or recordings which the press wish to publish or broadcast, unless a parent/legal guardian has consented to this.
8. If you agree that the media can take and use images of your child you should note that the media's use of images of children is governed separately by the Data Protection Act, other legislation and industry codes of practice.



