

Guidance to support the safe and appropriate use of images in schools and settings

Based on:

Safeguarding Children and Safer Recruitment in Education – *Consultation version 2010*

Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings – *DCSF March 2009*

Data Protection Good Practice Note: Taking Photographs in School – *Information Commissioner's Office 26th October 2007*

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Introduction

There are many occasions when staff and parents will want to take photographs of children. Such occasions include everything from observation, evidence, assessment and curricular purposes in the classroom to award ceremonies, performances, trips and sporting events as part of the extended activities programme. The intention of this policy is to set out clear guidelines which will balance the use of photography as a source of pleasure and pride with the need to safeguard children and protect the rights of the individual.

The photography policy sets out to ensure that:

- Photographs are only used for the purpose intended
- Settings use of photographs is facilitated
- Personal family photography is allowed where possible
- Individual rights are respected and child protection issues considered
- Parents/carers and children are given the right to opt out.

Definitions

The term 'images' refers to photographic prints or slides, digital images, videos or moving images. Images may be distributed via print, DVDs, the internet or other technologies.

The term 'settings' refers to Early Years Settings, Maintained Schools, Independent Schools, Free Schools, Academies, Short Stay Schools, Colleges of Further Education, out of school provision, childminders and Children's Centres.

Safeguarding Children

The welfare and protection of our children is paramount and consideration should always be given to whether the use of photography will place our children at risk. Images may be used to harm children, for example as a preliminary to 'grooming' or by displaying them inappropriately on the internet, particularly social networking sites.

For this reason consent is always sought when photographing children and additional consideration given to photographing vulnerable children, particularly Looked After Children or those in domestic abuse situations. Consent must be sought from those with parental responsibility (this may include the Local Authority in the case of Looked After Children).

Data Protection

The Information Commissioner's Office (ICO) maintains a public register which includes the name and address of 'data controllers' and details about the types of personal information they process. 'Notification' is the process by which each data controller's details are added to the register. All settings need to ensure they are registered with the Information Commissioner's Office every year. Failure to notify the ICO is a criminal offence.

Notification is necessary if settings are processing personal information. This includes taking photographs of the children using a digital camera. Personal data (including photos) held by settings must be included in the setting's notification. Further information on data protection as well as details on how to notify can be found

at: http://www.ico.gov.uk/for_organisations/data_protection/notification.aspx

In October 2007, the Information Commissioner's Office issued the following advice:

"The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure. Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- *Photos taken for official school use may be covered by the act and pupils and students should be advised why they are being taken.*
- *Photos taken purely for personal use are exempt from the Act."*

Please note that although notification is mandatory in most cases the data protection guidance within this document is 'recommended guidance' and settings must take

individual responsibility for their own data protection issues in accordance with the Data Protection Act 1998.

Parental Consent

On admission of a child to a setting, parents/carers will be asked to complete a consent form indicating their agreement or objection regarding the use of images of their child. Consent should be discussed with the child, once they are old enough to understand, and the child also asked to sign the consent form. Parents/children should be asked to complete the separate WCC consent form for images that have been taken for the purpose of LA publicity. A list of children for whom consent has been refused will be maintained by the setting and every effort will be made by staff not to include these children in photographs or video footage. The list will be updated on a regular basis¹.

The parent/carer should be asked to confirm, in writing, that they will inform the setting if they no longer wish images of their child to be used for any reason. They need to be made aware that once images are in circulation or have been published, it may be impossible to remove them, although every effort will be made to ensure they are not used in future publications.

Setting Photography

Photographic and/or video images taken by staff may be used for curricular and/or extra-curricular activities, displays, on the setting website, in the setting prospectus or newsletter, as evidence of the child's development or as part of publicity in the media. Staff will ensure that:

- They are clear about the purpose of the activity and what will happen to the images when the activity is concluded.
- They always use setting equipment for taking images.
- They never record images using their personal camera, mobile phone or video equipment or for their own personal use.
- They will never photograph children in a state of undress, for example whilst changing for PE or a performance.
- They will report any concerns about inappropriate or intrusive photographs found to the Senior Designated Person following the setting's safeguarding procedures
- They have parental permission to take; store and/or display the images.
- Childminding settings should pay particular attention to the safe storage of digital imagery if using their personal equipment to record and store images

Storage of Images

Photographs retained in a setting will not be used other than for their original purpose, unless permission is obtained from the subject.

Images should always be stored securely and password protected.

Photographs should be destroyed or deleted from databases once they are no longer required for the purpose for which they were taken. Photographs taken for publicity and promotional purposes should be retained for a maximum of two years. Photographs contributing to the history of the setting, its children, activities or the community, may be retained indefinitely.

For schools, further information on storage and security can be found in the LA guidance *Schools System and Data Security*.

Parental Photography

In many cases, photographs taken at setting events form an important part of family albums. Everything possible will be done to ensure that this tradition continues. Parents are welcome to take photographs of their own children at award ceremonies, setting concerts/shows and sporting events, with the permission of the Headteacher/Senior Manager or Childminder. However, care must be taken not to interfere with the smooth running of the event, breach commercial copyright laws or compromise health and safety. Parents/carers will ensure that:

- They will respect the setting's decision to prohibit photography of certain children or a particular event.
- Any images taken are for personal use only.

¹ The LA recommends on admission to a setting with at least annual updates

- Images including children **other than their own, must not be sold or put on the internet**; if they are, Data Protection legislation may be contravened and they will be asked to remove them.
- They will not use any images of children so as to cause offence or harm.

The Use of Cameras and Video Recordings by Children

From time to time, children may be given the opportunity to use setting equipment to take photographs and/or video footage as part of a curricular or extra-curricular activity. Children should not use personal equipment in the setting for the purpose of taking photographs or video footage, unless being used as a learning resource in line with the setting's Acceptable Use policy. This includes the use of personal Smartphones. The only exception to this is on a setting trip or visit where children may be allowed to take photographs for their own personal use. It should be made clear that these images should be taken responsibly and not used to upset any other child

The use of images to bully or intimidate, including publishing photographs without permission on the internet, will be dealt with in line with the setting's behaviour and anti-bullying policies and may be viewed as a criminal offence.

Display of photographs

It is perfectly acceptable to display photographs of children in the setting environment with their names attached for the purpose of celebrating progress and achievement or assessment purposes.

However, all settings must give consideration to displays when rooms are available for other purposes.

Publicity

Press

On occasions, the media are asked to cover setting events or to highlight children's successes. This is an important part of celebrating achievement and informing the public of educational initiatives. The media operate under their own Code of Practice. Parents will be informed by the setting in advance if their children are likely to appear in the press. Local newspaper titles may share their images with other titles within the same syndicate. Any child whose parents have withheld permission, will not be photographed by the media.

Setting Publicity

Photographs of children's activities and achievements may be published in the setting newsletter or prospectus and posted on the setting website. Names of individual children will not be attached to photographs and no contact details will be published. Where photographic permission has been withheld, photographs will not be published.

Setting Photographer

Class and individual or group photographs are often an annual event. Parents will be notified in advance of the photographer's visit and will be sent copies of photographs and given the option to purchase them. Copyright on all such photographs is retained by the photographer.

Links

This guidance should link specifically to the setting's Data Protection Policy, E-safety Policy, Acceptable Use Policy, Safeguarding Children Policy.