



## Policy on Photographic Images of Children (incorporating still images, video and audio)

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### Introduction

The Governing Body formally adopted an earlier version of this policy in March 2008, following recommendation by the Child Protection Governor and the Premises and Health and Safety Committee. It has been regularly reviewed since, most recently in July 2017, following the publication of statutory guidance in *Working Together to Safeguard Children* (DfE 2015), *Keeping Children Safe in Education* (DfE 2016) and Warwickshire's *Use of Images Guidance* (WCC 2014). Legislation such as the Children Act 1989, and section 11 of the Children Act 2004 places an obligation on us all to safeguard and promote the welfare of children and young people. The Data Protection Act 1998 also emphasises the need to ensure that consent is given for the use of images of clearly identifiable people, children and adults alike.

The increased use of technology has made it easier to use pictures and images in either print or web format, and in video as well as still images. With this increased usage comes a greater responsibility to ensure the rights and safety of those included in images are safeguarded. As photographic images can be misused through modification or distribution via the internet a number of legal issues must be considered before a decision is made to use such images and how.

This document recognises that schools need to make full and proper use of images while complying with the law and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. The guidelines below address these issues and give advice on good practice.

### Examples

Typical examples of occasions when images might be used in school include the following:

- GCSE examination submissions eg videos of drama, English, athletics events;
- key skills for PE;
- performing arts including dance and movement, concerts, drama performances;
- sports days and sports fixtures and the use of recording equipment by parents, carers and children from the other school;
- media including newspapers, television, radio, web sites and school social media feeds;
- displays of pupils' activities within the school;
- publications by the school (eg the brochure);
- school website;
- staff training and professional development activities;
- publicity material for contractors;
- site security/CCTV videos;
- children recording each other during educational activities;
- use of digital media for adapting and displaying images;
- capturing pupil performance on video/digital to support analysis for improvement.

## Ownership

Human Rights legislation and the Data Protection Act 1998 give people rights and it is the right to 'privacy' that is the issue when using images. The school must take steps that respect the rights of people in images. People are entitled to take general images eg of school buildings, playing fields etc.

## Good Practice

The following advice represents good practice in the use of images involving children.

- the school must obtain appropriate consent, using Appendix 1, before taking any images or videos of children;
- the images must be used in their intended context, and whenever possible, the school should be clear about its intentions for publication (eg the school prospectus). An example of this not happening would be when a picture taken by a national newspaper of a lone child in a school environment is used in a story relating to bullying;
- when recording and publishing images of children:
  - ensure that parents and carers of young people have signed and returned the school consent form for recording images of children (see Appendix 1);
  - ensure all children are appropriately dressed (eg it might be more appropriate to take photos of swimmers in track suits rather than swimming costumes);
  - ensure that images of a child/children incorporate the relevant content/background showing what they are learning or doing;
  - only the first names of students will be used alongside their photographs in any publication going outside school (eg on the website). There could be specific situations where surnames may be appropriate (eg with a photograph celebrating an individual achievement, or in a drama programme). Parental consent for this is given via the photographic consent form (Appendix 1) and is valid for the entire time the student attends Stratford Girls' Grammar School. Parents/Carers can withdraw consent at any time in writing to the school;
  - never publish the addresses or email addresses of children or young people;
  - do not use images that are likely to cause distress, upset or embarrassment;
  - use images that represent the diversity of the young people participating;
  - report any concerns relating to any inappropriate or intrusive images to the Headteacher;
  - remember the duty of care to challenge any inappropriate behaviour or language;
  - regularly review stored images and delete unwanted material.

When recording images of adults, the following advice represents good practice:

- no images should be taken, by pupils, in a school setting or on a school visit (etc) of adults without their permission;
- no images of such adults should be uploaded onto social media sites, by pupils, without the adults' permission;
- the school should obtain consent from adults that are depicted in photographs or videos of children and/or young people that may be published.

## Parental Permission

Use of images or videos of children require the consent of the parent/carer. Permission should always be obtained by using the form in Appendix 1, when a child joins the school. The form covers the school when using the images in publications and on school, or school-authorized websites. When a parent does not agree to their child's images being recorded, the Headteacher must inform staff and make every effort to comply sensitively. For example, if a child whose parents have refused permission for recording images is involved with a sports event, eg a netball match, it may not be appropriate to record the whole team. A list of any girls whose parents have refused permission will therefore be circulated to all staff by the end of September, and every effort will be made by a) all staff

taking photos, and b) those responsible for publishing the images (eg the Communications Manager) to ensure that the wishes of such parents are followed. Careful liaison with parents is therefore essential. With discussion it may be possible to agree other options. The parent may accept a team image if names are not published or they may be prepared to relent if it affects the whole team.

### **Inter-School Fixtures**

These same guidelines apply to inter-school and inter-club (etc) events. If a vulnerable child is involved, it will be necessary to liaise with a member of staff from the other establishment so that they are aware of the wishes of the parents or carer of the child and seek the co-operation of staff and parents of the opposing team.

### **Displays in Schools**

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

### **Parents' Evenings, Concerts, Presentations**

The filming and photography of events such as school plays, concerts and sports days are exempt under the Data Protection Act if these are solely for personal or domestic use. Therefore photographs or videoing is allowed. However it is advisable to request, at the beginning of an event, that parents do not place any recording or images on social networking sites, such as Facebook or YouTube, unless they are only of their individual child. The name of the school should not be placed alongside such footage. To allow the appropriate recording of children's images by parents/carers:

- ensure that children are appropriately dressed;
- obtain parental permission with the form in appendix 1;
- be aware of any child whose image should not be recorded; and
- monitor the use of equipment and anyone behaving inappropriately.

### **Practical Examination Evidence**

This covers the use of video material recording pupils' level of performance in examined practical aspects, which are unable to be assessed during the moderating examiner's school visit. The protocol laid down by the major examination boards is that this material should be returned to the establishment when the examiner has completed his/her judgments. It would therefore be good practice for colleagues to establish what will happen to the recorded evidence in discussion with the external examiner during their visit.

### **Commercial Photography**

Where photographs are taken by a commercial operator and sold via a website (eg from the Year 13 Graduation Garden Party), the website will not be open to general access and will always be password protected. The school reserves the right to include any or all of those images on the school website, but would not include any image of girls that do not have photographic permission.

### **Photographic Equipment**

Equipment must only be used which is provided or authorised by the school, and such equipment should always remain in school. Camera equipment used to record official off-site school activities (eg trips) should only be used by authorised staff and should be returned to the school immediately after the activity. Staff should not use their own personal cameras or phones to record images of pupils.

### **Children Recording Each Other**

This practice can occur extensively particularly using mobile phones. Staff should maintain the appropriate control. There may be incidents where children take images perhaps showing friends and other children behaving or dressed inappropriately. Staff should endeavour to discourage this practice,

but ultimately parents are responsible for monitoring their child's use of equipment and subsequent use of their images involved.

NB: in a BBC Panorama programme broadcast in January 2011 ("Too Much Too Young"), the barrister Felicity Gerry pointed out that girls can be naïve about the consequences of sending explicit images of themselves to their boyfriends – and that creating such images, having them on a phone or computer and distributing them are all criminal offences.

## Media

Several scenarios can occur:

1. Team images:
  - when everyone is prepared to allow team images and full names to be published, then publication can occur;
  - if a parent is reluctant to have a child's name printed with the image then consideration could be given to publishing the image with first names only or even no names. The Headteacher 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 an image printed then a team image may not be appropriate.
2. Opportunities for recorded images:
  - when the school invites a newspaper to celebrate an event, the Headteacher (or senior member of staff in charge of the event) should make every effort IN ADVANCE to ensure that the newspaper's requirements can be met;
    - the paper will prefer to publish the full names of anyone in the image they print. The only exception to this might be (as above) in a larger group shot (eg a group of more than 10 children);
    - however newspapers usually prefer to work with smaller groups of children – eg three or four – and for this number names would be required;
    - it is not acceptable to invite a newspaper to take images and then refuse to provide any names. Newspapers will not print anonymous images. The school must give thought to this beforehand – and parental permission/opinion must be their key guidance. This might mean offering only those children whose parents agree to the publication of images and names for inclusion. If this is not possible – for instance because a specific group of children have achieved something, and parental permission for the publication of full names is withheld for one or more of the group, it might be possible to negotiate a 'first names only' agreement with the newspaper. Otherwise the school must be prepared to forego newspaper publicity.
    - similar consideration must be given to broadcast media.
3. Media are entitled to take general images eg the outside of a building, from outside the premises. Sometimes a school can be concerned if their pupils are included in photographs of general shots, such as street scenes. If there are concerns about these pictures being used and running the risk of identifying children whose whereabouts should not be revealed (for example because the school uniform has the school name on it) then the photographer should be approached and the name of the newspaper he or she is working for ascertained. It is impractical to try and stop a photographer taking photos, but it is valid to ask their identity. Discussion about the use of those photographs should be carried out with the editor or news editor of the newspaper. Advice can be taken from the WCC Press Office. Concerns about photographers who are not part of the media should be raised with the Police.

## Mobile Phones

The use of mobile phones which contain image capabilities should not be permitted in changing rooms, toilets etc. A school policy relating to the use of mobile phones is available, publicised throughout the school and enforced. It covers advice to parents that:

- mobile phones must be switched off during lessons, assemblies and meetings unless the teacher has specifically authorised their use for learning purposes;
- mobile use at other times (i.e. social times) is restricted to outside of the school buildings
- mobile phones are banned from examination rooms;
- no photographs should be taken of staff or students using mobile phones or cameras without the explicit permission of staff;
- any pupil who uses a mobile phone or camera in a lesson, school activity or on the school site without staff permission will have the item confiscated until the end of the school day (and persistent offenders will lose the right to have their mobile phone (etc) in school altogether.

Every effort is made to discourage inappropriate use and images.

### **Safe Storage of Images**

It is recommended that images are not stored on computer hard drives but on a managed networked electronic archive of images only accessible by individuals with appropriate access rights. This ensures that digital versions of images are on a secure network location which is regularly backed up.

### **Data Protection Act 1998**

It is important to remember that images of people are defined as personal data, particularly if they are processed in conjunction with other personal data such as names and addresses. As such the Data Protection Act 1998 applies to the processing of them, and this includes capturing images, holding images, storing images, sharing images and destroying images. The guidance given in this policy addresses the requirements of the Data Protection Act.

### **Review of Guidelines**

The content of these guidelines will be reviewed in June 2018 and subsequently, as required.

### **Further Information**

See *Use of Images Guidance for children and young people in Warwickshire (2014)*.

Further information on all aspects of child protection or safeguarding is available from:

Adrian Over, Warwickshire Education Safeguarding Children Manager  
Tel: 01926 742525 Mobile: 07771 552315

Celia East, (Allegations) Designated Officer for Local Authority  
01926 742372 Mobile: 07769 165444



## Consent Form: Taking Photographs or Recording Film Images/Audio of Young People

Stratford Girls' Grammar School has a responsibility to ensure the welfare and safety of children and young people. At school, we use photographs and film in several different ways, all of which are ways to celebrate achievement, success and endeavour, as well as to promote the school within the community and to prospective families and friends of the school. They are also used as learning tools within the classroom. Some examples of these are as follows:

### Photographs:

- *Within school:* on display boards eg of sports teams, or cast members of school productions
- *Externally:* via the main school social media feed (Twitter), our school website, press releases, school prospectus opportunities.

### Film:

- *Within school:* learning (eg role plays and PE techniques), and in school assemblies
- *Externally:* our school website, national competition promotion (eg Apps for Good, Young Enterprise)

Should your daughter's image be used in a film or photograph for external purposes, we will not disclose her full name alongside it unless it is her individual success that is being celebrated, in which case we will contact you for specific permission. It is possible that the media will want to use any printed or broadcast media pictures that they take alongside the relevant story and it is possible that they will want to publish the student's name and republish the story on their website, or distribute it more widely to other newspapers or media organisation.

Only first names are used on our social media feed and school website, unless either it is to celebrate a girl's individual success which has been, or is simultaneously being shared in a public forum (such as local or national press) – in which case we will have contacted you first – or you as a parent/carer have contacted the marketing department at school to share the news for publicity purposes. We welcome this kind of input from families.

**Images that might cause embarrassment or distress will absolutely never be used, and nor will images that are associated with sensitive issues.**

In order to comply with the Data Protection Act 1988, a lawful basis is required before capturing images of a child or young person. Obtaining consent from the parent, guardian or legally appointed representative of the child or young person provides that lawful basis.

<ul style="list-style-type: none"> <li>• I give consent for you to record and use images of my daughter both internally and externally.</li> <li>• I understand that Stratford Girls' Grammar School will use the images responsibly and positively.</li> </ul>	
Name of student (block capitals):	
Name of person responsible for the student:	
Signature of person responsible for student:	
Relationship to the student:	
Date:	

**Please be aware that *without* your consent, your daughter will not be included in sports team photographs, drama production photographs, charity event photographs, or photographs of prize winning events, music concerts, exam results days etc. Please ensure that your daughter is aware that you are not giving consent.**

- This form will be valid for the period of time your daughter attends Stratford Girls' Grammar School.
- Your consent will automatically expire after this time.



## Staff Consent Form: Photography, Film and Audio

Stratford Girls' Grammar School has a responsibility to ensure the welfare and safety of staff.

At school, we use photographs and film in several different ways, all of which are ways to celebrate achievement, success and endeavour, as well as to promote the school within the community and to prospective families and friends of the school. They are also used as learning tools within the classroom. Some examples of these are as follows:

- **Photographs:**
  - *Within school:* on display boards eg of sports teams, or cast members of school productions
  - *Externally:* via the main school social media feed (Twitter), our school website, press releases, school prospectus opportunities.
- **Film:**
  - *Within school:* learning (eg role plays and PE techniques), and in school assemblies
  - *Externally:* our school website, national competition promotion (eg Apps for Good, Young Enterprise)

Should we use your image in a film or photograph for external purposes, we will not disclose your full name alongside it, unless it is your individual success that is being celebrated, in which case we will seek permission from you prior to publication. It is possible that the media will want to use any printed or broadcast media pictures that they take alongside the relevant story and it is possible that they will want to publish your name and republish the story on their website, or distribute it more widely to other newspapers or media organisation.

Only students' first names are used on our social media feed and school website, unless either it is to celebrate a girl's individual success which has been, or is simultaneously being shared in a public forum (such as local or national press) or a parent/carer has contacted the marketing department at school to share the news for publicity purposes. We welcome this kind of input from families. For staff, we will use surnames rather than first names, as this is the way you are addressed by pupils.

**Images that might cause embarrassment or distress will absolutely never be used, and nor will images that are associated with sensitive issues.**

In order to comply with the Data Protection Act 1988, a lawful basis is required before using your image, and obtaining your consent provides that lawful basis.

<ul style="list-style-type: none"> <li>• <b>I give consent for you to record and use images of me both internally and externally.</b></li> <li>• <b>I understand that Stratford Girls' Grammar School will use the images responsibly and positively.</b></li> </ul>	
Name (block capitals):	
Date:	

- This form will be valid for the period of time you are employed by Stratford Girls' Grammar School.
- Your consent will automatically expire after this time.