

Policy on using Images of Children: Photographs, Videos, Websites and Webcams

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Introduction

We live in an age in which digital technology has vastly increased the use, and potential misuse of photography. Most children are abused by someone they know and the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing that reasonable steps are taken in planning events where video or photography is being used, the practice should be allowed. Children who have been previously abused in this way may feel threatened by the use of photography, filming etc and staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

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

1. Consent

The Data Protection Act 1998 affects our 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 from the parent or guardian of a child or young person under the age of 18 years for any photographs or video recordings for the purposes beyond the activity of the organisation. It is also important to ascertain the views of the children or young people involved.

We request parental/guardian consent for photos and videos and permission for these to be used on Facebook, the school website and other external media on our general consent form. We also use some online platforms to record learning journeys and share these with parents (such as Earwig Academic Timelines and 2BuildaProfile). Permission for these is included within our general consent to use photographic images form.

Where children are Looked After we will check consent with the Social Worker.

Parents/Guardians retain the right to withdraw consent at any stage, but they need to do so in writing.

2. Planning Photographs of Children

Images and details of pupils from school or after school club allow for the remote possibility that people outside could identify and then attempt to contact them directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, use general shots of group activities rather than close up pictures of individual children. (Ensure all pupils in the shot have permission for their photograph to be used in the way planned.)
- Use images of children in suitable dress and take care when photographing sports activities to maintain modesty.
- Consider alternatives. Is a photograph of the children necessary or could an article be illustrated by the children's work for example?

3. Identifying Children

The DfES advises the following as a broad rule of thumb where consent is unclear:

- *If the child is named avoid using their photograph. If the photograph is used, avoid naming the child.*

At Portesbery School we will not routinely name pupils who are in photographs whether in the photograph label or in comments (on Facebook). We will also try to ensure that nothing in the photograph would identify a pupil by name.

We will obtain individual parental/guardian consent before naming children whose photo appears in any published texts (for example school website, Facebook, brochure or local press).

4. 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. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting it and to control how other people use it.

Before using a photograph supplied by a third party we will check that the third party owns the copyright in the photograph and we will obtain written or verbal permission to use it.

Images downloaded from the internet are also subject to copyright.

Third parties will generally be under the same obligations as our organisation to obtain parental consent for the use and distribution of photographs. We will therefore ask the third party to guarantee to us that all relevant consents have been given and that they are entitled to provide us with the image.

5. Use of Images of Children by the Press or external organisations

(Please also refer to the recommendations in Section 3 above, Identifying Pupils)

There may be occasions when the press or external organisations (eg SPENSOL) take photographs of children involved with our organisation when they are taking part in a larger event, e.g. sports gathering. The same guidance regarding consent applies on those occasions.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given our responsibility to parents and pupils, we will ensure that any external party is aware of and adheres to our own policy on the use of images of children.

6. Brochures, Prospectuses and Publicity Material

It is always best to avoid using personal details or full names of any child in any promotional material. Follow the DfES advice above.

7. Videos

We will ensure we have parental consent before any child can appear in a video. Parents can video recordings of events for their own personal and family use as they are not covered by the Data Protection Act. (Please also refer to Section 10). We will ensure that parents are aware that any video recording they take should be for their own use only.

8. Websites

This is an area that gives particular 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 parent's permission or children's knowledge. The dual concern which follows such a risk is that children might be exploited and an organisation may be criticised or face action.

As described above, we will request parental/guardian permission before using any images of their child on the school website or Facebook page.

Also see advice on the *Child Exploitation and Online Protection Centre* www.ceop.gov.uk

9. Webcams

The regulations for using webcams are similar to those for CCTV (closed circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter the area in order to consent to being viewed in this way. Children should be made aware and adults in the room would need to consent as well as the parents of all the affected children.

In gaining consent, you must tell the person why the webcam is there, what you will use the images for and what security measures are in place to protect access.

At Portesbery School we have very limited use of webcams and will make parents aware that this is planned in an activity before the session takes place.

Webcams are used to facilitate online sessions (particularly during the COVID pandemic). Parents have been made aware of these sessions and webcams are only used for the duration of the online lesson.

Where webcams are used at home for pupils to access learning, parents are provided with clear guidance on acceptable use. Any staff running online sessions are aware of how to turn off a pupil's webcam or remove them from the online session should this be necessary.

We will ensure that webcams are only used in applications that are password protected and encrypted from end to end.

10. Parental Rights to Take Photographs

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 such events as plays or sports events.

Parents are not permitted 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 an 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 and briefings at events remind parents of this fact.

We will be especially aware of any pupils who cannot appear on social media/online for safeguarding/safety reasons and work to ensure that they are kept safe.

We will also do our utmost to ensure that people with no connection with our organisation do not have the opportunity to film covertly. We will ask our staff to be aware of anyone they do not recognise who is using a camera or video recorder at events and productions and challenge any such persons.

11. The Storage of Photographs

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

12. Official Photographs

We will periodically (usually annually) invite an official photographer into our setting to take portraits/photographs of individual children and or groups. Before doing so we will undertake our own risk assessment in terms of the validity of the photographer/agency involved and establish what checks and vetting has taken been undertaken. We will also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when such visitors are present.

13. Useful Sources of Information

The Information Commission	www.dataprotection.gov.uk
Press Complaints Commission	www.pcc.org.uk
Internet Watch Foundation	www.internetwatch.org.uk
Department for Education & Skills	www.dfes.gov.uk

Using Photographic Images of Children: Seeking Your Consent



Dear Parent or Guardian

This letter explains why we need to ask for your consent to any photographs or filming that may be taken of your child while he or she is taking part in activities that we would like to record. When you have read it please complete and return the form overleaf to let us know your wishes.

Generally, photographs of children for organisations, school and family use and occasionally for publication in the local press are a source of pleasure and pride and are to be welcomed. However, we live in an age in which technology has vastly increased the use and potential misuse of photographs. In the recent past there has been concern about the possibility of a child being identified by a photograph in the press or in the filming of an organisation's event in case they are put at risk of being targeted for abuse.

Surrey Safeguarding Children Board believes that the risk of a child being identified by a stranger is so small that, provided reasonable steps are in place to limit the publication of their names and addresses, photography and filming of children and young people should continue in line with the policy set out below.

Our School Policy

Our school policy is broadly to follow the Department of Education and Skills' (DfES) advice: *If the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil.* We will not use the child's full name alongside their photographs in any printed or video publication. However, first names may be used and their full names may be given in group situations where they cannot be linked to individuals in the photograph.

We also use photographs and videos to record evidence of pupils' learning. This will be stored in an online application 'Earwig Academic Timelines'. Earwig is encrypted and password protected so only school staff (and selected Earwig technicians) are able to access the images. If you would like any further details please contact the school.

We will allow local newspapers to take photographs of children when appropriate, provided that parental consent has been given. Some newspapers insist that children's names must be published with their photographs, if not they may decline to cover events involving children and young people. In such circumstances we would advise that the children's names but not addresses are given. That is why it is important that you advise the organisation whether you have any objections. If you do object then the organisation will not allow your child to be photographed or have a video taken of them.

Please complete the form on the next page and return it to school. If you would like to discuss these matters in more detail please speak to a member of staff. If at any time in the future you wish to change your mind with regard to consent you can do so at any time.

A handwritten signature in blue ink that reads 'N. Aspinall'.

Nathan Aspinall
Head Teacher

Using Photographic Images of Children Consent Form



Child's name: _____

Sometimes we take photographs or videos of children when they are involved in the activities of our organisation. We may use the pictures or video recordings for our own use and to promote the work of the school in the media and on our website. To comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 we need your permission to photograph or make any recordings of your child.

Occasionally, we may be visited by the news media (usually local newspapers) to take photographs or film of an event at the school. Pupils will often appear in these images which will be published in local newspapers or even broadcast on television.

Please answer the questions below;

1. Do you consent to photographs and videos of your child being used and stored to record achievement and progress on Earwig Academic Timelines?

Please circle your answer: YES / NO

2. May we take photographs of your child and use them (unidentified by their full name):

	Agree	Disagree
On the school's website		
On the school's Facebook page		
On the school's YouTube and Vimeo channels		
In the school's online newsletters (published on our website)		
In printed school prospectuses, flyers, leaflets and brochures		

3. Do you consent to your child being photographed by local newspapers and other news media on the basis that their full names may be published along with the picture?

Please circle your answer: YES / NO

Please note that:

- (a) newspapers will be asked to avoid using the child's name if their image is put on the newspaper's own website*
- (b) this consent will also be taken to apply to television images, provided that your child is not named without your specific agreement.*

You can withdraw your consent at any time and can do so by writing to Neil Thomas (ICT Manager) asking them to stop using your child's images. At that point they will not be used in future publications but we cannot prevent them from continuing to appear in publications already in circulation.

I have read and understood the organisation's policy.

Signed: _____ (Parent/Guardian) Date: _____