



# **POLICY ON USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN – July 2024**

## **Introduction**

- 1.1** The schools need and welcome positive publicity. Photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for the schools in publicity materials can increase pupil motivation and help parents and the local community identify and celebrate the school's achievements. However, photographs must be used in a responsible way. The schools need to respect pupils' and parents' rights of privacy and be aware of potential child protection issues.
- 1.2** In accordance with Lincolnshire County Council's guidelines, we believe that the school needs to balance the potential risks against the advantages of promoting the school in a colourful and attractive way. Risk can be minimised by following the advice in this policy and in securing parental consent for the use of photographs.
- 1.3** The consent form signed by parents refers to the request not to upload any pictures containing children other than their own on social media. This is a growing concern as more children use social media. The school will undertake to educate the children in safe practice and support the parents by not requesting them to upload images of children other than their own onto social media.

## **Child Protection Issues**

- 2.1** There may be a risk when individual pupils can be identified in photographs. For that reason, the Governing Body has developed this policy to make every effort to minimise risk.
- 2.2** In the event of inappropriate use of children's photographic or video images the Headteacher will inform the local Child Protection Officer and Social Services and / or the Police.

## **Data Protection Act**

- 3.1** Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 2018. Therefore, using such images for school publicity purposes

requires the consent of either the individual concerned or in the case of pupils, their legal guardians. This means that the schools will not display images of pupils or staff on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

- 3.2 The permission of all the people who will appear in the photograph, video or web cam image must be obtained **before** the footage is recorded. This means adults as well as children.
- 3.3 If images are being taken at an event attended by large crowds, this is regarded as a public area so you do not need to get the permission of everyone in a crowd shot. People in the foreground are also considered to be in a public area, but if any individuals are identifiable in the photograph, you should get their consent before using it.
- 3.4 The Data Protection Act does not apply to photographs or films taken for **personal use** by family and friends. It is usual for parents to take photographs and videos of children at school events this must be done as directed by the Headteacher. However, the school requires anyone, who wishes to use any photographic or video equipment during these events, to ensure these images will be for personal use only. Any objections to this policy should be addressed to the Headteacher.

## Use of Images in School Publicity Material

- 4.1 Wherever an individual can be recognised from an image, the following rules will be adhered to:
  - a. If a photograph is used, the school will avoid associating it with the child's full name.
  - b. Only images of children in suitable dress will be used in order to reduce the risk of inappropriate use. This is a judgement for the Headteacher to make. With activities such as swimming or athletics, the content of the photograph should focus on the activity, not on a particular child, and should avoid full face and body shots. For example, in the case of swimming, shots of children in a pool would be appropriate, or, if possible, seen waist or shoulder up.
  - c. The image of a child who is subject to a court order will never be used.
  - d. Images will be stored securely and used only by those authorised to do so.
  - e. Photographs of children (or teachers) will not be re-used after they have left the school. f. Parental consent will be sought.

## Use of Images on School Websites & Social Media

- 5.1 Using photographs on the schools' website & Social Media Site is no different to using a photograph in any other kind of publication or publicity material and therefore the above rules apply. However, the school recognises that more care should be taken to acknowledge the potential risk of inappropriate use of images, because of the lack of control over who might see the image and the wide extent of misuse of the internet by certain people.
- 5.2 The School Publicity consent form, specifically includes a section for the use of images on the school website
- 5.3 If an image of a child is displayed on the school website, the school will avoid giving the full name of the child.

## Use of Images in Newspapers

- 6.1** Newspapers will want to include the names of pupils in photographs that they intend to use, but so long as parental consent is secured, and parents are clear that the photograph will appear in a newspaper, there should be no particular concerns over their use. In compliance with this requirement parents will be asked to complete the relevant section of *School Publicity Consent form*. If parents have given their consent, it will mean that they have no objection against their child's image and name being used by the Newspapers.
- 6.2** Following Lincolnshire County Council's advice, for photographs of larger groups, for example, a class, it is sufficient to state "Moles Class from Donington Cowley Endowed Primary School". For smaller groups, e.g. teams, where individual names may be requested, it is essential that parental consent be obtained.
- 6.3** The use of photographs in newspapers is already subject to strict guidelines. In line with The Press Complaints Commission's Code of Practice the schools will not allow:
- Journalists to interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the specific consent of a parent or other adult who is responsible for the children.
  - Pupils to be approached or photographed while at school without the permission of the school authorities.
- 6.4** There is no breach of the Data Protection Act in simply passing on a child's name to a journalist so long as the school has secured parental consent.

## Filming Events

- 7.1** Parents or other spectators may want to photograph a school event. This will be only be permitted at the direction of the Headteacher. There may be some events where photography or filming is not permitted.
- 7.2** Parents, and any other spectators should let the Headteacher know if they wish to use photographic equipment.
- 7.3** If a commercial or outside photographer is used, the Headteacher should:
- Provide a clear brief about what is considered appropriate in terms of content and behaviour.
  - Issue the photographer with identification which must be worn at all times.
  - Let children and parents know that a photographer will be in attendance at an event.
  - Not allow unsupervised access to children or one-to-one photo sessions at events.
  - Not approve/allow photo sessions outside the event or at a pupil's home.
- 7.4** If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the Headteacher who should record them in the same manner as any other child protection concerns.

## Camera Phones/Devices in School including iWatches

- 8.1 In accordance with advice from Lincolnshire County Council, the use of camera phones/devices are not permitted on the schools' premises without consent from the Headteacher.
- 8.2 The only exception is at organised events where a camera phone/device may be used as outlined in section 7 of this policy.

### Consent Form

- 9.1 Where parental consent is sought, schools will issue a "School Publicity Consent Form" as part of the registration process when children start at school. Consent will be sought for the duration of the child's time at school, but a record of any changed circumstances will be kept attached to the consent form. Consent forms will be retained on file while the child is at the school.
- 9.2 Consent must be requested from any teachers and any other adults who may appear in the photograph or video.
- 9.3 The schools consider it the responsibility of parents or legal guardians to, make their child aware of the objections they may have against the use of their child's photographic/video images.

### Review

- 10.1 This policy will be reviewed by the Governing Body in the event of changes in legislation, revised guidance issued by Lincolnshire County Council and in response to significant views expressed by parents, staff and pupils (if appropriate).

Signed by The Chair of Governors: *Rob Cole*

Date: July 2024