

## Photographic Images of Children Policy

**Date reviewed by Safeguarding Committee: February 2017**

**Date of next review: February 2019**

At Handcross School, every child is special

### **Aims for the School**

- To make all children and staff feel safe, happy, respected, cared for and have a sense of belonging. To create a trusting atmosphere in which the spiritual life and personal qualities of the children will flourish and their growing confidence and independence nurtured.
- For there to be high expectations which inspire, motivate and challenge **every** child to learn in every aspect of a broad curriculum. For the children to learn how to think independently, develop their imaginations and have fun. For every day to be used to the full.
- To have good working relationships between all who work in the school and a strong partnership with the parents, other schools and the community.
- To create an in/outdoor environment which is attractive, lively, stimulating, informative and which supports the children's learning.
- For the learning to be based on our knowledge of *how* children learn, the preferences and interests expressed by the children themselves and from stimuli within the locality.
- For exciting and memorable lessons to be well planned and resourced, with plenty of rich, satisfying, enjoyable, multi-sensory experiences, and for lessons to be suitably differentiated to meet every individual need.
- For the good and relevant use of IT to be fully exploited.
- To set short, medium and long-term goals which challenge and stretch each individual, and for progress to be carefully tracked.
- For teachers to accurately assess individuals at every stage of the learning so that the resulting interventions have a *direct impact on the children's learning*.
- For the children to be able to talk about their progress towards their targets, and for their achievements to be celebrated.
- For the children to be prepared to lead a life within a diverse and constantly changing society, in which they will respect British values, adopt a healthy lifestyle, achieve economic well-being, and make a positive contribution.

September 2016

## **1. Introduction**

This document provides guidance on the appropriate use of images of children in education, including schools, youth and community organisations etc. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff in educational establishments who wish to use images of children and young people in education.

Establishments need to make full and proper use of photographic images while meeting the law and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

## **2. Typical Uses of Photographs**

- Key skills for PE.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures and the use of photographic equipment by parents and carers and children from the other school.
- Media including newspapers and television especially when some editors require children's names when publishing photographs.
- Displays in the establishment of children's activities.
- Publications by the establishment and by WSCC.
- Establishment and WSCC web-sites.
- Staff training and professional development activities.

## **3. Governing Body / Management Committee**

The Governing Body / Management Committee should formally adopt these guidelines as policy and good practice.

Ensure that the child protection and /or health and safety governor are aware of and support the policies and procedures.

#### **4. Ownership**

Human Rights legislation and the Data Protection Act 1998 give people new rights and it is the right to 'privacy' that is the issue when using photographs. The Council and establishments must take steps that respect the rights of people in photographs.

The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise (see appendix 3).

#### **5. Good Practice**

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

1. When taking a picture the school or WSCC must obtain the consent of the person in the picture or from their parent or carer.
2. If using a photo from the media or commissioning a photograph, have a signed agreement (see appendices 2 & 3).
3. Use the image in its intended context. Examples of this not happening are:
  - when a picture taken by a national newspaper of a child accepting an award was used by the National Front in a story with a completely different story angle.
  - When a photo of the public boarding a bus to launch a rural transport initiative is used to illustrate a story attacking rural transport shortages.
4. Follow the commitment made in the consent forms:
  - not to name the child;
  - not to use the photograph out of context;
  - not to use the photograph to illustrate sensitive or negative issues.
5. When photographing children:
  - a. Ensure that parents and carers of young people have signed and returned the school consent form for general photography (see appendix 1). Any images going beyond the school or WSCC need additional specific consent (see appendix 2).
  - b. Ensure all children are appropriately dressed.
  - c. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
  - d. Photographs of three or four children are more likely to also include their learning context.
  - e. Do not use images of a child who is considered very vulnerable, unless parents / carers have given specific written permission.
  - f. Avoid naming young people. If one name is required then use the first name only where possible.
  - g. Use photographs that represent the diversity of the young people participating.
  - h. Report any concerns relating to any inappropriate or intrusive photography to the head teacher / manager.
  - i. Remember the duty of care and challenge any inappropriate behaviour or language.
  - j. Do not use images that are likely to cause distress, upset or embarrassment.
  - k. Regularly review stored images and delete unwanted material.

#### **6. Parental Permission**

Use of images 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 establishment. The form covers both the school and WSCC when using the photographs in publications and on web-sites. If they wish to change their permission, we encourage them to contact the head teacher.

When a parent does not agree to their child being photographed, the head teacher must inform staff and make every effort to comply sensitively. For example, if a child whose parents have refused permission for photography is involved with a sports event, e.g. a football match, it may not be appropriate to photograph the whole team. Careful liaison with parents is therefore essential. With discussion it may be possible to agree other options. The parent may accept a team photograph if names are not published or they may be prepared to relent if it affects the whole team.

When photographic images are transmitted or shared beyond the establishment e.g. television broadcasts, images on intranet sites, specific permission should be obtained (see appendix 2).

## **7. Inter-School Fixtures**

Apply these guidelines to inter-school 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 cooperation of the parents of the opposing team.

## **8. Teacher Training and Portfolios**

During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images. A member of the management team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

## **9. Displays in Schools**

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

## **10. Parents Evenings, Concerts, Presentations**

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 who should not be photographed; and
- monitor the use of cameras and anyone behaving inappropriately.

## **11. Children Photographing Each Other**

This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in the West Sussex Guidance for Off-Site Educational Visits and Related Activities 2015. There may be incidents where children take inappropriate photographs, perhaps showing friends and other children inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's use of cameras and subsequent use of their images involved (see also section 15).

## **12. Newspapers**

Several scenarios can occur:

### **1. Team photographs:**

- When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The head

teacher / manager 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 a photograph printed then a team photograph may not be appropriate.

## 2. Photo opportunities:

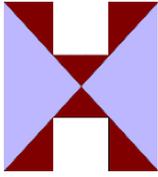
- When an establishment invites a newspaper to celebrate an event, the head teacher should make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- Almost without exception, this means the paper will prefer to publish the full names of anyone in a photograph they print. The only exception to this might be (as above) in a larger group shot (e.g.: a group of more than 10 children).
- However newspapers usually prefer to work with smaller groups of children – e.g.: three or four – and for this number names would definitely be required.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Establishments must give thought to this beforehand – and parental permission / opinion must be their key guidance.
- This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- 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 - it might be possible to negotiate a 'first names only' agreement with the newspaper.
- Otherwise establishments must be prepared to forego newspaper publicity.

## 13. Use of Internet / Intranet Sites

Many establishments will have an internet / intranet facility. The site manager should know good practice and ensure that the establishment only uses appropriate images that follow this guidance. For example, if a child has successfully completed a gymnastics award, it would be appropriate to show the child in a tracksuit rather than leotard.

## 14. Mobile Phones

- All mobile phones are to be kept hidden from children and should never be used for taking photos of the children.
- Mobile phones used by staff for personal use should only be used in the staffroom or offsite during break times. The Head teacher needs to access her mobile phone in her office (hidden from children) for school purposes e.g. staff absences and texts from staff on school trips etc.
- In the Early Years classroom any mobile phones should be kept in the locked box.
- On school trips mobile phones should remain hidden in the presence of children and on no account be used to photograph children. Only school cameras should be used for this purpose.
- Breakfast/Teddies after school club have a mobile phone so that parents can contact the club out of school hours. This mobile has no facility to take photographs.
- If we have to evacuate the school for any reason, staff are encouraged to take their mobile phones if they are easily available so that they can be used for emergency use only.



Parental Permission for Publication of Photographs/Video Recording

Occasionally we may take photographs, or make video recordings, of the children at our school. We may use these images in our school prospectus or in other printed publications that we produce, as well as on our website.

Photographs or video recordings may be taken of the children at our school, e.g. a winning school team for use in the local press. These images may be used in publication to the general public.

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child. Please sign and date the form where shown to give your permission. If you have concerns regarding the use of your child's image, please contact the school to discuss.

***The school's policy on using images of children (in accordance with the conditions of use on the back of this form) is:***

1. The school may use your child's photograph in the school prospectus and other printed publications that we produce for promotional purposes.
2. The school may use your child's image on our school website and on displays in school.
3. Your child's photograph may be used in the local newspapers, in television reports on media websites, e.g. a school team.
4. Your child's photograph/video image may be taken at performances by other parents or invited guests, e.g. a school play, provided they are used for home use only.

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Parental Permission for Publication of Photographs/Video Recording

Child's Name: \_\_\_\_\_

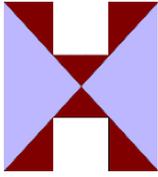
Class \_\_\_\_\_

- I have read and understood the conditions of use on the back of this form.
- I do / do not give permission for my child to be photographed or recorded on video for the purposes stated above.

Parent/Guardian signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Using Images of Children in School Publications

1. This form is valid for the period of time your child attends this school. The consent will automatically expire after this time.
2. We will not re-use any photographs or recordings after your child leaves this school.
3. We will not use the personal details or names (which means first name and surname) of any child or adult in a photograph on our website, in our school prospectus or in any of our other printed publications.
4. We will not include personal email or postal addresses, or telephone or fax numbers on our website, in our school prospectus or in other printed publications.
5. If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption.
6. If we name a pupil in the text, we will not use a photograph of that child to accompany the article.
7. We may include pictures of pupils and teachers that have been drawn by the pupils.
8. We may use group or class photographs or footage with very general labels, such as “a science lesson” or “making Christmas decorations”.
9. We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.
10. If images are taken by local press/media, or parents/guests, the school will not have control of these images.



Photographer / Videographer Consent Form

Parents taking Photographs and Video images at school

This School takes the issue of child safety very seriously and this includes the use of photographic and video images of pupils. Whilst many pupils and parents enjoy seeing photographs and video images of the pupils or their work, the School is mindful of its duty of care towards its pupils to protect them from any inappropriate contact.

You must not publish, re-publish or re-use any photographs or video images in any medium in any way that is incompatible with the agreed use without the School's prior written consent.

You will only take images of pupils who are suitably dressed to reduce the risk of such images being used inappropriately.

If the School becomes aware of any unauthorised or inappropriate use of the images, immediately on receiving notice from the School you must take all reasonable steps to remove the images from the publication in which they appear. Therefore, the School is pleased to invite you to take photographs and video images of its pupils but only on the terms and conditions listed below: -

- You must only take photographs or video images of pupils whose parents have consented to the recording. The Headteacher or Class Teacher will inform you if any children's parents have not consented to the images being taken.
- You must inform the School of any intended use for the images including the publications they will appear in and third parties to whom they may be disclosed. The School will inform you whether the intended use is permissible. If the School gives consent it will be for this agreed use only.
- You must not display the photographs or videos together with or linked to any associated text containing the subjects' names, which includes first name and surname, or any other personal details of the subjects concerned without explicit consent from the School and/or the subjects as appropriate.

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Child's Name: \_\_\_\_\_

Class \_\_\_\_\_

I agree to the above terms and conditions for taking photographs and/or video images of pupils at the School.

Parent's Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_