

USING IMAGES OF CHILDREN: PHOTOGRAPHS, VIDEOS, WEBSITES, MOBILE PHONES AND WEBCAMS

Introduction and Background.

We live in an age when digital technology has vastly increased the use, and potential misuse of photography.

Due to publicity surrounding concerns about such matters as whether to allow filming of school events we have devised a policy concerning the use of photography.

We aim to maintain trust in the parent-school relationship, and to enable those parents with particular concerns to specify what that they withhold consent for whatever reason.

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

The following guidelines have been drawn up North Tyneside R.C Primary Schools concerning our approach to photography used by and taking place in school.

1. Issues of 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 for any photography or video recordings for purposes beyond the school's core educational function (e.g. school website, school productions). It is also important to ascertain the views of the child.

As it may be likely that there will be a number of occasions during a pupil's school life when the school may wish to photograph or video that pupil, we recommend that consent is sought when the pupils start at the school, to last for the duration of their stay.

A signed consent form, as attached to this guidance, should be obtained from the child's parent/guardian, and kept on file, covering all cases where images of children are to be used beyond the parameters of school use.

Where children are 'Looked After' schools must check consent on the corporate parent's behalf with the Social Worker, and there may be other situations (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the school to be at stake, indicating the need for extra care.

Parents retain the right to withdraw their consent at any stage, this should be done so in writing.

2. Planning Photographs of Children.

Images published together with names and details of pupils allow for the remote possibility that people outside the school could identify, and then attempt to contact, pupils directly. The measures described below will help to minimise the risk of such unsolicited action.

- Where possible, use general shots of classroom or group activities rather than close-up pictures of individual children. Consider the camera angle; photographs taken over the shoulder or from behind are less identifiable.
- Use images of children in suitable dress, and take care when photographing P.E events to maintain modesty (any images pertaining to swimming need to be carefully considered).

- Aim to include images from children of different backgrounds in communications where possible, and positive images of children with disabilities to promote the school as an inclusive community, and to comply with the Disability Discrimination Act.
- Consider alternatives. Is a photograph of the child necessary, or would an article be as well illustrated by the children's work, for example?

3. Identifying Pupils.

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

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

In school communications we recommend that;

- You use the minimum of information. It may not be necessary to accompany a picture with the pupils' names, the year group and the school.
- When fully naming pupils in any published text, whether in the school brochure or website, avoid using their photographs, unless you have specific parental consent to do so. However, pupils' first names may be used.

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 has as the creator of the work to prevent others exploiting their work and to control how others use it.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain their written or verbally recorded permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the internet are also subject to copyright.

Third parties will generally be under the same obligations as your school to obtain parental consent to the use and distribution of photographs. You should therefore ask the third party to guarantee to you that all relevant consents have been given and that they are entitled to provide you with the image.

5. Use of Images of Children in the Press.

There may be occasions when the press take photographs of pupils at school. As well as highlighting the potential risks of photography in general terms, the consent form attached specifically enables parents to decide whether to agree to their children being featured in the news media.

It may be appropriate to ask the Press if, when publishing a group photograph, they could avoid printing the children's names in left-to-right order (which is the traditional method), thus making it harder to identify individual children.

To a great extent, the manner in which the media approach children is restricted by the media industry's own codes of practice, as well as by law. Journalists should not photograph or interview children under the age of 16 without the consent of a parent or another responsible adult, and children should not be approached at school without the school's permission.

However, there is no formal guidance on the use of children's names with photographs that are legitimately taken by the press with the school's permission. This has been the subject of correspondence between the newspaper society, which represents the local and regional newspapers, and the DfES. As a result, the Secretary of State has confirmed that the advice given by the DfES (see section 3) refers only to images used by schools for their own publicity purposes, such as publications or websites, and should not be construed as advice on how to deal with the media.

A copy of this guidance should be communicated clearly to local newspapers in each instance, to try to avoid any misunderstandings or conflict. If access is granted, it should be made clear in advance to journalists on what basis they are being allowed to take photographs and what use they can make of the images and the pupil's names.

6. School Prospectuses and other Literature.

Although most school literature is sent to a specific audience, it would be best to avoid using personal details or full names of any child in a photograph. Follow the DfES advice (see section 3)

7. Videos.

There must be parental consent before any child can appear in a video. Parents can make video recordings of Nativity Plays and other such events for their own personal and family use, as they are not covered by the Data Protection Act (please refer to sections 8 and 11).

8. School productions.

The use of videos and photographs at nativity plays and other school productions and events.

Parents/Carers are not required to comply with the Data Protection Act 1998 when taking photographs for their own private use of their children at an organised event (see section 11).

Parents/Carers are not permitted, however, to take photographs or to make a video for anything other than their own personal use. Recording and/or photographing other than for private use would require consent of all other parents/carers whose children may be included in the images. To make sales or pass on copies without this could be a breach of the Data Protection Act.

We will allow parents/cares to photograph or video productions or events as long as;

When hosting an event where parents are permitted to take photographs or videos, it should be made clear from the start that any images taken are for private use only and if they include others, they must not be put on the web/internet/social media without their consent; otherwise Data Protection legislation may be contravened. We will aim to give verbal guidance to parents at the start of an event.

In relation to child protection considerations, we need to be as certain as possible that images reproduced are appropriate and they are not reproduced elsewhere without consent. It is important, therefore to be sure that people with no connection with the school do not have the opportunity to film covertly. School staff should be prepared to question anyone they do not recognise who is using a camera or video to record images at a school production.

Those parents and carers known to the school and helping with an event, such as assisting with children dressing and changing, should not take photos whilst doing so.

It is acceptable in relation to the Data Protection Act for the school to film and then sell videos of events as the children's names would not be associated with their image and it would still be for the personal use of those involved. These videos or photographs should not be resold or used for other purposes such as newspapers or media coverage.

School Production/event checklist;

- Events can be videoed or photographed.
- Display/distribute a copy to all parents carers of the 'Use your camera and video courteously' code (see below).
- Remind parents/carers with a verbal announcement at the start of an event that any images must be taken for personal use only and remind them such images should not be put on the internet, otherwise Data Protection legislation is likely to be contravened.
- Be sure that people with no connection with school do not have the opportunity to film covertly – remember to ask staff to quiz anyone not recognised who is using a camera or recording equipment at an event.
- If a video is produced by the school of a production, avoid attaching a cast list as this would require additional parental consent so as not to contravene the Data Protection Act.

Guidance for Parents.

'Use your camera and video courteously' code – a guide for parents who wish to photograph and/or video a school event.

Generally photographs and videos for school and family use are a source of innocent pleasure and pride which can enhance self-esteem for children and young people and their families. By following some simple guidelines we can proceed safely and with regard to the law.

- Remember that parents and carers attend school events at the invitation of the Headteacher and the Governors.
- The Headteacher and the Governors have the responsibility to decide if photography and videoing of an event is permitted.
- The Headteacher and Governors have the responsibility to decide the conditions that will apply in order that the children are kept safe, the performance is not disrupted and the children and staff are not distracted.
- Parents and Carers can only use videos and photographs and videos for their own personal use. Such photos and videos cannot be sold and must not be put on the internet due to Data Protection legislation, which in such circumstances is likely to be contravened.
- Recording and/or photographing other than for private use would require the consent of all the other parents whose children may be included in the images.
- Parents and Carers must follow guidance from staff as to when the photography/videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and Carers must not video/photograph children whilst they are changing for performances or events.
- If you are accompanied or represented by people that school staff do not recognise, they may need to check who they are if they are using a camera or video recorder.

9. Websites

This area has received a lot of publicity due to a potential or perceived increase threat of abuse. With digital photography there is the remote possibility that images of children could be produced, manipulated and circulated, without the parents' or children's knowledge. The dual concern which follows such a risk is that children might be exploited, and a school may be criticised and/or face action.

It is important to take care with identification, and to respect parental views on the use of any photography of children on a website.

We will continue to post photographs on our school website, but pupils will only be identifiable by their first name on areas accessible to the general public. Full names will be avoided even if a picture is not present. We will aim to post group photos where possible.

The North Tyneside Learning Portal, www.ntlp.org.uk provides use with secure, password protected areas to display pupils achievements to children, staff and parents.

10. Webcams

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

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

The current DfES advice (July 2003) is that unless a webcam is a response to a specific threat or difficulty in relation to either crime or health and safety, it may pose more difficulties for the school

than it would actually resolve. If staff wish to use a webcam consultation with the Headteacher is required.

11. Parental right to take photographs.

Parents are not covered by the Data Protection Act 1998 if they are taking photos or video for their own private use. The Act does not, therefore, stop parents taking photographs or videos at school events, such as nativity plays (see section 8)

Parents are not permitted to take photographs or make video recordings for anything other than their own personal use. 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.

12. The storage of images.

Photographs must be maintained securely for authorised school use only, and disposed of by return to the children parents/carers, shredding or deleting as appropriate.

Digital images must be stored on the school network, the North Tyneside Learning Portal or a password protected pen drive. If images are being transported for a specific purpose (e.g. PowerPoint with images for a course) this must be on a password protected laptop.

13. Official school photographs.

At St Columba's RC Primary, we periodically invite an official photographer into school to take portraits of individual children and/or groups. A risk assessment considering such activity in terms of the validity of the photographer involved and establishing which checks have been undertaken will be carried out. Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present on the school site.

14. Useful sources of information.

www.safety.ngfl.gov.uk/schools

www.wiseuptothenet.co.uk

www.dataprotection.co.uk

www.pcc.org.uk/cop/cop.asp (Press Complaints Commission Code of Practice)

www.internetwatch.org.uk

www.teachernet.gov.uk

Important – Please read and return

Dear Parent or Guardian

Using photographic images of children – seeking your consent.

An updated policy on the use of photographic images of children in school has recently been approved by Mrs Jordan. This letter explains why we need to seek your consent to any photographs that are taken of your child whilst they are at school. When you have read it, please complete and return the form overleaf to let us know your wishes.

Generally, photographs of children for school and family use, and occasionally for publication in the local press, are a source of pleasure and pride and so 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 photo in the press, or in the filming of a school event, in case they are put at risk of being targeted for abuse.

We believe that the risk of a child being identified by a stranger is small, and provided reasonable steps are in place to limit the publication of names and addresses, photography of children at school should continue, in line with the policy set out below.

The school's policy

Our policy is to broadly follow the Department for Education and Skills (DfES) advice: "If the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil." So we will **not** use the children's full names alongside the photographs in the school's own printed publication, in video films or on our website. However pupils' first names may be used in a group situation where it cannot be linked to an individual in the photograph.

With regard to the press, the school **will** allow local newspapers to take photographs of the children, when appropriate, provided that this parental consent has been returned. Some newspapers insist the children's names must be published with their photographs. If not, they may decline to cover school events. Therefore we will normally give the children's full names to newspapers. That is why it is important you tell us whether you have any objection. If you do object, the school will not allow you child to be photographed by the press.

(Please note that the school will seek an undertaking that a child's name will not be used if their image is to be put on the newspaper's own website.)

Although it is fairly rare for television companies to visit school, your consent for newspaper photographs would also apply for television images.

Please now complete and return the form overleaf. If you would like to discuss these matters in more detail please contact either Mrs Jordan or Mr Turner. If at any time in the future you wish to withdraw your consent please do so in writing.

Yours Sincerely.....Mrs. C. Jordan

To: Name of Parent or Guardian _____

Child's Name _____

Sometimes we take photographs of children either at the school or when they are involved in organised activities away from the school site. We may use the pictures in school publications, such as the prospectus or on our website. We may also make video or webcam recordings for use by the school. To comply with the Data Protection Act 1998, we need your permission to photograph or make any recordings of your child.

Occasionally the school may be visited by the news media (usually the newspaper) 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.

More details of the school's policy on photography are set out overleaf. If your child is old enough to express their own view, we would encourage you to discuss the matter with them.

Please answer questions 1 and 2 below, then sign and date the form where shown and return to school.

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

- in school publications;
- on the school website;
- on video or webcam;
- in the school's Twitter feed?

Please circle your answer;

YES NO

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

Please circle your answer;

YES NO

Declaration: I have read and understood the school's policy overleaf. My decision on whether to give consent will remain valid throughout my child's time at school, unless I notify the school to the contrary in writing. I promise that I, or members of my family, take photographs or video recordings at a school event these will be kept for family use only.

Signed _____ (Parent/Guardian)

Date _____