



Use of Photographic and Video Images of Children Policy

MAYFLOWER COMMUNITY ACADMY PLYMOUTH POLICIES



Mayflower Community Academy

VERSION CONTROL SHEET

POLICY NAME: Use of Photographic and Video Images of Children Policy

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Document date	Filename	Mtg submitted	Summary of changes required
July 2013		July PSG	New policy

Date for policy review:
July 2014



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AIM

Mayflower Community Academy (hereafter referred to as “The Academy”) agrees to comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998 when using and/or authorising the use of photographic and video images of children and will ensure that:-

- (i) where necessary, consent has been given prior to the taking and use of images on academy premises, particularly where these show pupils,
and
- (ii) such images are used in a manner respectful of the eight Data Protection Principles and also of the rights conferred to individuals under these Acts.

CONSENT

The Academy will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to the school’s educational role. This is because an image of a child is personal data for the purposes of the Data Protection Act 1998 and it is a requirement of the Act that consent is obtained.

Due to the number of occasions during a pupil’s time at school that the Academy may wish to photograph or video the pupil, the Academy will seek the consent of parents or legal guardians when the pupil starts at the Academy. This policy and consent will cover the whole of the pupil’s intended time at the Academy.

The Academy will at all times consider the need to revisit the consent in the event of a pupil’s circumstances changing.

The consent of a parent or legal guardian will normally be obtained in writing. However, it is recognised, that it is not always possible to obtain written consent and, in these circumstances, verbal consent is acceptable. If verbal consent is obtained it will be recorded in writing by the member of staff obtaining the consent (sample forms for obtaining and recording consent are attached to this model policy document).

The Academy will try not use photographs or videos of children who are no longer pupils at the school, unless separate specific consent has been obtained to cover the intended use.

Should there be images of children in the Academy’s possession for which consent has never been obtained; the school will not use the images without the specific consent of parents or legal guardians. The attached standard consent form will not be suitable for this purpose.

The Academy will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as future school websites etc.



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CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN

When considering the use of images of children, the Academy will ensure that:-

- (i) Where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of classroom or group activities taken.
- (ii) Where possible only images of pupils in suitable dress (e.g. school uniform) will be taken. Even in a sports context, where practical, photographic/video images of children in PE or swimming gear will be avoided. Wearing team tracksuits is considered a good alternative.
- (iii) When a photograph or video image of a child is used, the child's name will not normally accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- (iv) When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a school brochure or on the Academy's website, a photograph/image of the child will not appear with the text.
- (v) No details of home telephone numbers, e-mail or home addresses are given.
- (vi) Where pupils/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them or their school) the Academy will seek additional parental/legal guardian permission for the child to be named.

USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY A THIRD PARTY

The School recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, the Academy will ensure that it checks that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

USE OF IMAGES OF CHILDREN BY THE PRESS

There may be occasions where the press take photographs at school of pupils. The press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes.

Generally, parents and relatives take pride in "press cuttings" which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result the Academy will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached to this policy document covers this area.

The manner in which the press use images is controlled through relevant industry codes of practice as



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well as the law. In this way a check is put on the potential improper use of images of children by the press. The Academy will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

The following are examples of the types of scenarios that can occur:

Team Photographs

- (i) When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- (ii) If a parent is not happy to have a child's name printed on a photograph then consideration will be given to publishing the photograph with no names. The Headteacher/Manager will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- (iii) If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph will not be appropriate.

Photo Opportunities

- (i) When an establishment invites a newspaper to celebrate an event, the Headteacher/ Manager will make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- (ii) It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. The Academy will give thought to this beforehand – and parental permission/opinion will be the key guidance.
- (iii) This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- (iv) 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 – the Academy will endeavour to negotiate a 'first names only' agreement with the newspaper.
- (v) Should this not be possible the Academy will be prepared to forego newspaper publicity.

PARENTAL RIGHT TO TAKE PHOTOGRAPHS ETC.

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 school events, such as nativity plays. However, the Academy reserves the right to refuse parents this opportunity for health and safety reasons, such as the use of excessive flashlight, bulky or noisy equipment. The Academy will ask parents to sign a form stating that the images they will be taking are for private use only before allowing images to be taken.

Parents are not permitted, however, 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 a school 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 Academy will make every effort to ensure that people with no connection to the Academy do not



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have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

USE OF A PROFESSIONAL PHOTOGRAPHER

The Academy will ensure that any professional photographer engaged to record a school event is prepared to work according to the terms of this policy document and the following guidelines:

- (i) In the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the Data Protection Act 1998.
- (ii) Photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.
- (iii) Photographers will be asked to sign up to an agreement with the Academy which will include:
 - Compliance with the Data Protection Act 1998 (most professional photographers will be aware of these requirements).
 - That material may only be used for the Academy’s own purposes and that permission has not been given to use the photographs for any other purpose.
 - That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfill the requirements under the contract or where written permission has been given by the Academy.
 - The photographer must comply with the steps set out above.
 - The photographer will be responsible for keeping his own records as evidence that he has carried out the above.

NOMINATING A NON-PROFESSIONAL TO BE THE AUTHORISED PHOTOGRAPHER

Should the Academy nominate another individual, say a parent, staff member or governor, to be the photographer, it will be made clear that the images may not be used for anything other than the purpose indicated by the Academy. Where digital or similar photography is used, the Academy will require, wherever possible, the parent, staff member or governor to leave all images or image holding equipment at the school premises and to subsequently process and/or develop final images on the school site. Such action will protect the parent, staff member or governor from future allegations of impropriety.

CHARGING FOR PHOTOGRAPHS/VIDEOS

Where a nominated photographer (professional or otherwise) is used, the proceeds from any sale of photographs or copies of videos will go to the school fund and images will be sold at cost price.

CLOSE CIRCUIT TELEVISION (CCTV)

CCTV is installed at the Academy for the following reasons:

- As a method of controlling access.
- An aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.



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- Pupil behaviour issues/bullying. As a behavioural tool during breaks and lunch times it can be used to identify hot spots of inappropriate behaviour. It may also be used to monitor within the building, corridors and areas out of sight or not frequently trafficked by staff, for example in the vicinity of toilets.
- As an aid to members of staff with particular responsibility for behaviour management.
- To monitor personal safety for site supervisors, caretakers, cleaners etc.
- To monitor site safety and security.
- As an effective deterrent for crime.
- As a means of crime reduction and discouraging trespass.

Where CCTV is used within the Academy, and recorded in the manner described below, the Academy will ensure where possible that the following conditions are met:-

Types of Recorders

- Digital Images:** Images are retained on a computer hard drive. Such images will only be stored for designated periods and then erased from the hard drive. Images are recorded using time lapse techniques. Banks of (usually) 31 days of images are retained. Images will only be retained for a designated period; this would not normally be any longer than 31 days. Images will be held in secure storage and the images erased.
- Regular auditing of the stored images will be undertaken by a senior member of the management team usually the Headteacher.
- Cameras:** Several types of camera may be used to record images and this is:
 - Fixed-Wide angle lens.
 - Dome cameras (rotary) with 360 degrees capacity
 - Corner mounted cameras with 270 degrees capacity
 - Manually operated pan tilt-zoom lenses. These have infinitely variable distance and angle capabilities and so can zoom onto individuals. The school will ensure that only authorised and designated staff have access to the equipment and that occasional and periodic monitoring of the images saved is undertaken by a senior member of management. Image will be destroyed after the designated period.
- Camera Sightings:** Every effort will be made to avoid inappropriate images and cameras will not be pointed directly at toilets/cubicles/urinals, changing rooms or other sensitive areas etc.
- During Academy Hours and Out of Academy Hours:** Cameras may record inappropriate activities taking place on the school site, without the Academy's knowledge. If they are of a criminal nature, consideration will be given by the Headteacher to referring the information to the police.

Images taken out of Academy hours will be erased in accordance with the procedures identified above.

MOBILE PHONES

The use of mobile phones which contain cameras with photographic capabilities are not permitted. These Phones will be kept in handbags/lockers.

Advice for safeguarding Staff/Children – Do not take photos on a one to one basis – ensure that there is another adult around or a group of children.



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STORAGE OF IMAGES

These may be downloaded on to teacher laptops but they should be stored on the Network in class folders that should be dated.

REVIEW OF POLICY

This policy was last reviewed in June 2013 and will be reviewed by the Academy Council every two years.



MAYFLOWER COMMUNITY ACADEMY

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Consent for use of photographic and video images

As an Academy there are occasions where we need take photographs and video recordings for a number of reasons including:

- As a record of pupils work achievements, attainments and progress.
- Nativity plays, assemblies and sporting activities.
- Off site activities such as trips and residential.
- Publicity in local and national media and in school promotions.
- To record the range of activities and opportunities offered by our Academy to its pupils, their parents and the community.
- In communications such as our on-line prospectus and newsletters.
- Photographs are stored electronically and in hard copy for children's portfolios.

Parents are very welcome to copies of photographs if requested.

I agree to my child _____ being photographed or video filming for the process described above.

Signature _____ Print _____ Parent

Date _____

