

## **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. Publicity surrounding concerns about such matters as whether to allow filming of school events has prompted us to advise that schools should have a policy about the use of photography.

In developing such a policy, Heads and Governors should open the issue for discussion with parents, to maintain trust in the parent-school relationship, and to enable those parents with particular concerns to specify that they withhold their consent for whatever reason.

Most children who are abused are abused by someone they know. We have taken the view, in consultation with Surrey Police, that the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, provided reasonable steps are taken to ensure an appropriate photograph, and to protect full name and contact details, the practice of photography, for school events by families and the media, should be allowed. In addition, the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police.

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

***The following guidelines have been drawn up in consultation with the Investigation and Referrals Support Co-ordinator, the Development Manager for Welfare and Protection, representatives from the County Council's Legal Services and Corporate Communications Unit, Surrey Police, Surrey Children's Service, and Trinity Mirror Newspapers, representing the local press. These guidelines attempt to raise awareness of the potential dangers to children whilst offering practical advice to schools and services that we believe is reasonable and proportional.***

## **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 of a child or young person under the age of 18 years for any photographs or video recordings for purposes beyond the school's core educational function (e.g. school web sites, school productions). It is also important to ascertain the views of the child.

As it is 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 pupil starts 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 published 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 class teacher to be at stake, indicating the need for extra care.

Parents retain the right to withdraw consent at any stage, but they need to do 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 should help to minimise the risk of such unsolicited attention.

- Where possible, use general shots of classrooms 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 in photographing PE or swimming events to maintain modesty, using team tracksuits if appropriate, for example.
- Remember to include images of children from different ethnic backgrounds in your communications wherever possible, and positive images of children with disabilities to promote your school as an inclusive community, and to comply with the Disability Discrimination Act.
- Children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, consider airbrushing logos.

- Consider alternatives. Is a photograph of the children necessary, or could an article be illustrated by the children's work, for example?

### **3. IDENTIFYING PUPILS**

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

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

In school communications, we recommend that:

- You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the pupils' names, the year group, or the school.
- When **fully** naming pupils in any published text, whether in the school's brochure or website, avoid using their photograph, unless you have parental consent to do so. However, pupils' **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.

For guidelines on allowing access to the Press, please see section 5.

### **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 his or her work and to control how other people 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 BY THE PRESS**

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

Whether to allow access to the media is a decision for each school to make as it sees fit. There is a range of views on this: some schools have banned the Press completely, while others allow photographs to be taken but insist that names cannot be used. This has caused conflict between schools and their local newspapers in some parts of the county.

Many schools continue to allow newspapers to use children's names alongside photographs of school events, provided that parents give their consent. This is the position assumed in the wording of the consent form. It can, of course, be amended to suit your school's preferred approach.

Schools may wish 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 for someone to identify an individual child.

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 16 without the consent of a parent or other 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 taken legitimately by the Press with the school's permission. This has been the subject of correspondence between the Newspaper Society, which represents local and regional newspapers, and the DFE. As a result, Secretary of State Charles Clarke has confirmed that the advice given by the DFE (see section 3) refers only to images used by schools for their own publicity purposes, such as publications and websites, and should not be construed as advice on how to deal with the media.

Whatever position schools adopt to Press coverage, it is recommended that they communicate their policy clearly to their local newspapers, 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 pupils' 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 DoF advice (see section 3).

## **7. VIDEOS**

You must have 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). Potential difficulties in this area could be avoided if the school adopts the policy of making an official video recording of the event and making copies available to parents.

**Any video footage of pupils during the regular school day will only be used for staff development purposes. Video footage will not be shared with parents but direct permission must be sought. Whilst videoing is in progress, signs will clearly be displayed to inform all that this is happening.**

## **8. SCHOOL PRODUCTIONS**

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

The question is often asked as to whether parents/carers can take photographs or make video recordings of nativity plays and other school productions/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 recording for anything other than their own personal use. They would not, for example, be permitted to sell videos of a school event (unless authorised/commissioned to do so by the Headteacher/Governors for the purpose of fund-raising on behalf of the school and in a fashion that had already met the requirements for such sales). Recording and/or photographing other than for private use would require the consent of all the other parents/carers whose children may be included in the images. To make sales or pass copies on without this could be a breach of the Data Protection Act.

It is for the school to decide whether to allow videos or photographs to be taken by parents/carers during the event. Where this has been the practice in the past, unless parents specifically object, we suggest it should be allowed to continue within the following guidelines.

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 must be for private use only and if they include others, they must not be put on the web/internet without their consent, otherwise Data Protection legislation may be contravened. Schools may wish to provide written guidance to parents beforehand and/or make an announcement at the start of the event.

In relation to child protection considerations, the school needs 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 any opportunity to film covertly. School staff should be prepared to quiz anyone they do not recognise who is using a camera or video recorder at events and productions, and information regarding this possibility should be included in the school's own consent form, and/ or any event tickets sold.

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

Data protection considerations aside, it is possible to try to ban all filming, recording, and photography of school productions, sports days, etc, to avoid the disruption that this may cause, although with increasing use of mobile phone photography, policing of such a ban would be difficult.

Where such a ban is being considered, legal advice should be taken in order to ensure that the correct steps are taken. Imposition of a ban may be necessary, particularly in circumstances where the school may be unable to ascertain the identity of all those who attend or adequately control the spontaneous behaviour of parents/carers. Some schools which have banned photography and videoing by parents have a school photographer and/or cameraman producing souvenirs which are then available to all those involved in the performance at a modest cost in the same way as the traditional school class photograph, the funds from which go into additional resources for the school. This is acceptable in relation to the Data Protection Act as the children's names would not be associated with their images 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. Governors could be asked/told of this proposal to have one set of photographs and/or video recording and minute that formally with the reasons given in their next meeting. Many parents, however, would consider it to be over-cautious and unreasonable to impose such a ban on parental photography for a class nativity play or assembly.

### **A checklist for schools**

- Decide if the event is one at which you will permit photography and videoing. If you feel it advisable, ask the Governors to formally endorse the decision. If custom and practice has been that you have allowed it in the past, obtain legal advice if you are going to ban it (see above).

- When informing parents/carers of the event, also inform them of your decision on photography and videoing.
- Send 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 the event that any images must be taken for personal use only and remind them that such images must not be put on the web/internet, otherwise Data Protection legislation is likely to be contravened.
- Be sure that people with no connection with your school do not have any opportunity to film covertly – remember to ask your staff to quiz anyone they do not recognise who is using a camera and or video recorder at events and productions.
- If a video is produced by the school of a production, which includes a cast list in the credits, remember to revisit the parents of the cast to seek consent for names to appear, as this will enable children to be identified and could breach your policy.

Something along the following lines might be offered to parents as part of the letter/newsletter promoting the event:

**'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 head and governors.
- The head and governors have the responsibility to decide if photography and videoing of school performances is permitted.
- The head and governors have the responsibility to decide the conditions that will apply in order that children are kept safe and that the performance is not disrupted and children and staff not distracted.
- Parents and carers can use photographs and videos taken at a school event for their own personal use only. Such photos and videos cannot be sold and must not be put on the web/internet due to Data Protection legislation, which in such circumstance is likely to be contravened.
- Recording 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 photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and carers must not photograph or video children changing for performances or events.
- If you are accompanied or represented by people that school staff do not recognise, they may need to check out who they are if they are using a camera or video recorder.



## **9. 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 parents' or children's knowledge. The dual concern which follows such a risk is that children might be exploited, and a school might be criticised 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 or social media site.

We recommend that you visit the DFE website 'Superhighway Safety' at **[www.safety.ngfl.gov.uk/schools](http://www.safety.ngfl.gov.uk/schools)** for further guidance and advice.

## **10. 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 consulted and adults 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, who might want to look at the pictures and what security measures are in place to protect access.

The current DFE 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 you want to use a webcam, we would advise careful parental, staff and legal consultation.

## **11. PARENTAL RIGHT 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 school events, such as nativity plays (see section 8 above)

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 consent form attached includes a reference to this in the parent's declaration.)

## **12. THE STORAGE OF PHOTOGRAPHS**

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

## **13. OFFICIAL SCHOOL PHOTOGRAPHS**

Schools will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. It is essential that when considering such an activity schools undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken. 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**

DofE website 'Superhighway Safety' at [www.safety.ngfl.gov.uk/schools](http://www.safety.ngfl.gov.uk/schools)  
'Keeping your child safe on the internet' publication by UK online and the Home Office, at [www.wiseuptothenet.co.uk](http://www.wiseuptothenet.co.uk)  
The Information Commission website at [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)  
Press Complaints Commission's Code of Practice at [www.pcc.org.uk/cop/cop.asp](http://www.pcc.org.uk/cop/cop.asp)  
Internet Watch Foundation at [www.internetwatch.org.uk](http://www.internetwatch.org.uk)  
More information on child protection issues at: [www.teachernet.gov.uk](http://www.teachernet.gov.uk)

If you need any further information, please contact your Local Education Officer, or Gail Chalkley, Development Manager for Welfare and Protection, on tel: 020 8541 9559.

This policy is produced with thanks to Hampshire and Kent County Councils for their original work.

## To be copied onto school letter template

### 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 that may be taken of your child while he or she is at school. When you have read it, please complete and return the form overleaf to let us know your wishes. (If you want a copy to keep, please write a note on the form and one will be sent to you.)

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 photograph in the Press, or in the filming of a school event, in case they are put at risk of being targeted for abuse.

Having taken advice from Surrey Police, Surrey County Council (the Local Education Authority) and other organisations, we believe 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 of children at the 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 (DfE) advice: "If the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil." So we will **not** use children's full names alongside their photographs in the school's own printed publications, in video films or on our website or social media site. However, pupils' 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.

With regard to the Press, the school **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 school events. Therefore we will normally give the children's full names (but not addresses) to newspapers. That is why it is important for you to tell us whether you have any objection. If you do object, the school will not allow your 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 put on the newspaper's own website.)

Although it is fairly rare for television companies to visit the school, your consent for newspaper photographs would also apply to television images. However, children's names are normally not given on television and we would seek specific permission from you if your child's name were to be used.

Please now complete and return the form overleaf. If you would like to discuss these matters in more detail, please talk to your child's teacher or another member of staff. If in the future you should wish to change your decision on whether to give consent, you can do so at any time.

Yours sincerely

Nathan Aspinall  
Head Teacher

## Using Photographic Images of Children Consent Form



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, and on our website or social media site. We may also make video recordings for use by the school for staff training purposes. 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 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.

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 it to the school as soon as possible.

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

- in school publications;
- on the school's website;
- on the school's FaceBook page;
- on video?

*Please note that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.*

Please circle your answer: **Yes / No**

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

*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 except with your specific agreement.*

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 the school, unless I notify the school to the contrary in writing. I promise that if 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: \_\_\_\_\_