Guidance for schools and other establishments on the use of images

Cambridgeshire County Council

Introduction

There has been much publicity recently about the taking of images of children and young people in school and the Data Protection Act 1998. This guidance is designed to offer practical advice to schools and establishments in order for them to be able to balance safeguarding the children and young people in their care and ensuring families are able to experience pleasure and pride at their children's achievements through the use of technology.

Schools and other educational organisations and establishments are advised to have a clear policy which outlines the safety guidelines for the use of photography and other images of children and young people.

The use of images can be divided into four categories

- Images taken for official school use
- Images taken by parents at school events
- Images taken by the media
- Images taken by third parties

Images taken by school

The Data Protection Act 1998 affects the use of photography. An image of a child is personal data and it is, therefore, a requirement under the Act that consent is obtained from the parent of a child for any images made such as those used for school web sites, productions or other purposes. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.

A signed consent form should be obtained from the child's parent/carer, and should be kept on the child's file, covering all cases where images of children are to be used.

For an example of consent form see **Appendix A**. This could be an addition to the school's admission form. Parents may withdraw consent at any stage, but they would need to do so in writing.

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

Care should be taken in relation to particularly vulnerable children such as those who are in public care, recently adopted or those resettled following on from domestic violence.

Examples:

*Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Data Protection Act **will** apply.*

*A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but **will not** breach the Act as long as the children and/or their parents/carers are aware this is happening and the context in which the photo will be used.*

Parents wishing to take images at school events

Increasingly technology is making it easier for images to be misused and it is therefore important that schools take practical steps to ensure that images of children taken by parents and carers and by members of the media, are done so in a way that is in accordance with the protective ethos of the school.

The Data Protection Act does **not** prevent parents from taking images at school events, but these must be **for their own personal use**. Any other use would require the consent of the parents of other children in the image.

Examples:

*A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act **does not** apply.*

` *Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act **does not** apply. **However,** if the grandparents published the video on their family website, they must receive permission form the parents of the other children involved.*

The head teacher in consultation with governors should agree when parents are to be permitted to take images. This information could be included in invitation letters to parents.

Parents should be required to give an undertaking on how the images will be used – see **Appendix B**. Parents should also be advised that they may only take images in designated circumstances and areas such as in the school hall and not backstage or in changing rooms. It is important that parents understand their responsibilities for the safe keeping of any images they may take.

Consideration should be given to a special photo call session at the end of the event – this would avoid distraction and disturbance and also allow for the withdrawal of children whose parents/carers have not consented.

It is recommended that wherever possible schools take their own ‘official’ photos or videos in order to retain control over the images produced.

It is also important to ensure that people with no connection with your school do not have any opportunity to produce images covertly. Staff should question anyone who is using a camera or video recorder at events they do not recognise.

Images taken by the press

Example:

A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act.

If a child is photographed by a newspaper, the photo becomes the property of the newspaper and the newspaper has the final say as to how it is used. (N.B. images can be placed by editors on the newspaper's website). Generally, newspaper photos of groups of 12+ children do not have the names of the children attached. However, photos of groups of less than 12 children are likely to include the full name of the child in the accompanying caption. Parents need to be aware when they give consent that this is the position. It is important that they are also reminded of the benefits of publicly celebrating achievement to build esteem in the child and pride in their school.

Further advice is available from The Press Complaints Commission who publish a Code of Conduct

Publishing or displaying photographs or other images of children

The DCSF advise the following,

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

Whatever the purpose of displaying or publishing images of children care should always be taken to avoid the possibility that people outside the school could identify and then attempt to contact pupils directly. Most abused children are abused by someone they know, but there is still a concern that children might be identified from pictures appearing in the press or other media and targeted for abuse.

- Where possible, general shots of classrooms or group activities rather than close up pictures of individual children should be used. The camera angles should be considered. Photographs taken over the shoulder, or from behind are less identifiable.
- Children should be in suitable dress, and images of PE or swimming events should maintain modesty, for example wearing team tracksuits if appropriate
- Children from different ethnic backgrounds should be included in your communications wherever possible, as well as positive images of children with disabilities to promote the 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, airbrushing logos should be considered.

- An article could be illustrated by the children's work as an alternative to using an image of the child

It is essential that when considering inviting an official photographer schools establish the validity of the organisation and 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.

There may be occasions where the media take photographs at your school of pupils. It is important that parents and carers are aware of the potential risks and benefits so they can make an informed decision about consent.

Using photographs of children supplied by a third party

Copyright of an image including those downloaded from the internet usually rests with the person who produced it

Before using an image supplied by a third party schools should check that the third party owns the copyright of that image and you should obtain their written permission to use it

Schools should ask a third party to guarantee to you that all relevant consents have been given and that they are entitled to provide you with the image.

Websites and Web cams

Consent gained from parents/carers for the use of photographs or videos may not extend to website or web cam use, so it is important to check, when introducing such technology, the status of existing consent for pupils.

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

The regulations for using web cams are similar to those for CCTV (closed-circuit television). Children, their parents and other adults appearing on the web cam all need to be consulted and their consent obtained. In gaining consent, you must tell the person why the web cam 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. In addition the area in which the web cam is being used must be well signposted so that people must know that the web cam is there before they enter the area.

Useful sources of information

The Information Commission website at www.ico.gov.uk
Press Complaints Commission Code of Practice at www.pcc.org.uk/cop/practice.html
Internet Watch Foundation at www.internetwatch.org.uk
Child Exploitation and Online Protection at www.ceop.gov.uk
Teachernet at www.teachernet.gov.uk

Pendragon Primary School
Use of Images Consent Form

During the School Year there is likely to be opportunities to publicise school activities which may involve the use of an image of your child. This could be a photograph, video/DVD or website image

It is a requirement of the Data Protection Act 1998 that we have your consent to this.

The school has adopted certain safeguards in order to minimise any risk to your child

- We will avoid the publication of your child's full name with any image on any of our school material/website, etc.
- Only appropriate images will be taken
- Images will be kept securely and destroyed after their required time
- Any external photographer will have the validity of their organisation checked
- Appropriate levels of supervision will be undertaken at all times

Please note that the school does not have control of how images taken by the media are published

Do you give consent to your child having images taken according to the above guidelines? **YES / NO**

Childs Name…….

Signed ……

Relationship to child …….

Date……

Request for Parents Wishing to Take Their Own Photos/Videos

I agree to ensure that all images I take will be for my personal use, will be kept securely and be used appropriately

I agree not to distract or obscure the view of others whilst taking images

Print Name …….

Signed …….

Relationship to child …….

Date …….

Thank you for your co-operation. The safe use of images can be a source of pleasure and pride and a valuable record of the achievements of your child.