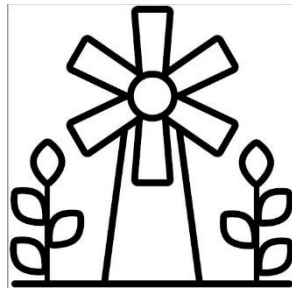


# Sibsey Free Primary School



## Procedure for the Safe use of Photographs and Electronic Images

Approved by: Governing Body

Date: March 2022

Last reviewed on: March 2019

Next review due by: March 2024



## Introduction

Sibsey Free School welcomes positive publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs in school publicity materials can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the school's achievements.

However, photographs must be used in a responsible way. We need to respect young people's and parents' rights of privacy and be aware of potential child protection issues. As a school, we always aim to protect our children, but need to balance the potential risks against the advantages of promoting the school in a colourful and attractive way. Risks can be minimised by following the guidelines in this Policy and in securing parental consent for the use of photographs/images/videos.

This document provides guidance on the appropriate use of images of children in our school. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff, parents/carers, governors and any other people visiting Sibsey Free School who wish to use images of children and young people in education.

We need to make full and proper use of photographic images whilst conforming to legal requirements and preserving the safety of children. Concerns focus on issues around rights of privacy, including GDPR, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

## Typical Uses of Photographs

- Key skills for PE.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures, including the use of photographic equipment by parents and carers.
- Media use, including newspapers and television (and in particular the request for children's names when publishing photographs).
- Displays in the school of children's activities.
- Publications by the Sibsey Free School and by L.C.C.
- The School and L.C.C. websites.
- Staff training and professional development activities.
- Publicity material for contractors.
- Site security / CCTV videos.

## Governing Body

The Governing Body have formally adopted these guidelines as policy and good practice.

We will ensure that the Child Protection and Health and Safety governors are aware of and support this procedure.



The Governors will:

- Consider the County Council's advice on the safe use of photographs/images of children.
- Consider the type of images deemed suitable and which appropriately represent the school.
- Ensure a procedure is in place to ensure that parental permission has been obtained to use photographs/images of pupils.
- Ensure procedures are in place in relation to parents filming and photographing children in school and the subsequent use of images.
- Ensure that parents are aware of and support this policy.

## **Child Protection/Safeguarding Issues**

Risks can occur when individual pupils can be identified in images. Providing the name and image of a pupil in a publication or on a website allows the possibility of people outside the school identifying and then contacting pupils directly. This is of particular concern where a family has fled domestic violence or a child is subject to child protection procedures, and may also be an issue where a child has been adopted or subject to other court orders. This information can also make a child vulnerable to abuse by those wishing to groom children; images can be used or adapted for inappropriate use.

If the School becomes aware of any such issues, these will be treated as serious and dealt with as per the procedures outlined in the School's Safeguarding/Child Protection Policy.

As detailed herein, permission from parents will be sought before allowing photographs and/or a child's/children's name(s) to be published in any form.

The Headteacher will ultimately decide whether the publication of an image/video could pose a risk to a child.

For the protection of all of the children in the school, whilst we may permit photography/filming by parents, parents must keep all images securely, sharing only with family members and not disseminating online without the consent of those with parental responsibility for each child appearing in the images.

For photographs of large groups which include children that should not be identified, those individual's/children's face(s) should be obscured, and the photo can then be published.

## **Data Protection Act and School Events**

Photography/Filming at events is ultimately at the discretion of the Headteacher, and permission must be sought from the Headteacher to do so.

In accordance with information from the Information Commissioner's Office (ICO), 'Photographs taken purely for personal use are exempt from the Data Protection Act.'



This means that parents, friends and family members are permitted to take photographs of their child and friends participating in school activities for the family album and are also permitted to film events held at school to watch at home.

However, where photographs/videos are posted online, this cannot be considered as 'purely personal or household activity'. Such circumstances would include:

- Users with high numbers of friends/contacts, including some not personally known to the user.
- Where access to the user's profile is open to all with the social networking site, or data is accessible via search engines.
- Where the individual makes an informed decision to share information beyond selected friends.

For the protection of all of the children in the school, whilst the school may permit photography/filming, parents will be requested to sign the Consent Form (Appendix 1) indicating that they will keep images securely, sharing them only with family members and not disseminating them online without the consent of those with parental responsibility for each child appearing in the images.

Photographs taken by the media are unlikely to breach the Data Protection Act as long as the photographer has the school's permission and their parents/guardians are aware that the photographs will be taken and published by the paper, and that they are aware of the context in which they will be used.

Where outside agencies/companies have led activities with pupils and wish to take and use photographs of children to promote their own organisation, parental permission will be obtained, along with information for parents/guardians explaining purpose, security of storage and the length of time for which the images will be retained.

Data Protection issues can arise where photographs are taken for official use, e.g. identity passes, and the images are then stored with personal data (names). In such cases permission would need to be sought and information provided relating to security of storage and length of storage. No such images are currently held at Sibsey Free School.

(Refer also to guidelines as sections 9 and 10 herein.)

## **Appropriate use of images in school publicity material – Good practice**

To overcome any issues relating to the use of photographs of a child or children, the following guidelines will be followed:

- Parental permission will be obtained (See Appendix 1 attached).
- Ensure that parental wishes are adhered to.
- Wherever possible use only group, team or whole class shots.



- Avoid naming individual children in the photograph unless permission given. When a child/children are named it may be more appropriate to use first names only.
- Only images of children in suitable dress will be used to reduce the risk of inappropriate use. Some activities clearly present a greater risk e.g. swimming or athletics activities, and such photographs should focus on the activity rather than the child and will avoid full face or full body shots.
- The school will never use an image of a child who is the subject of a Court Order unless social worker or parental permission has been sought
- Whenever possible, establish whether the image will be retained for further/future use.
- Ensure images are stored securely and used only by those authorised to do so.
- Ensure as far as possible that the image is used for its intended use.
- Do not re-use photographs of children (or staff) after they have left the school.
- As detailed herein at No. 4, obscuring face/identifying features of individuals/ children within group photos if permission is restricted.

## **Use of photographs/Images on websites (Internet/Intranet)**

The use of photographs/images on websites will follow the same rules as already detailed herein. However, the School is aware that there is potentially more of a risk of inappropriate use. Parental permission will include permission for publication on the School's website, and every effort will be made to ensure that children cannot be identified from the file.

Sibsey Free School has an Internet / Intranet facility. The School is aware of good practice and ensures that Sibsey Free School 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 a leotard.

For the protection of all of the children in the school, whilst we may permit photography/filming by parents, parents must keep all images securely, sharing only with family members and not disseminating online without the consent of those with parental responsibility for each child appearing in the images.

## **Newspapers**

Parental consent for newspaper publicity photographs is vital. In order to provide parents with accurate information as to how images will be used by newspapers, so that they can give informed consent, written confirmation from the newspaper should be obtained detailing where they will publish the images. Newspapers will usually wish to include the names of pupils in photographs they intend to use. For larger groups of children (Groups of 10 or over), this will be given as in larger groups it is more difficult for readers to identify individual children. Names will also be given in random order. However, on the majority of occasions, for groups of this size, it should be sufficient to state, e.g. 'The Cedars from Sibsey Free School'. If names are requested, it may be appropriate to use first names only.



For smaller groups (Groups of 9 or under), if individual names are requested, the balance of the level of risk against the benefits of publication will be considered. Children will only be named if parental permission is given.

When a particular child is photographed alone e.g. receiving a prize, it is reasonable to expect the newspaper to request the name of the child, however, contact details will never be issued. Parental permission will always be sought in such circumstances.

As long as parental permission is obtained, there is no breach of the Data Protection Act in giving a child's name to a journalist.

The use of photographs in newspapers is subject to strict guidelines. The Press Complaints Commission's Code of Practice states that:

- Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children.
- Pupils must not be approached or photographed while at school without the permission of the school authorities.

The following scenarios could apply:

- When everyone is prepared to allow team photographs and full names to be published, then in this situation publication can occur. It may be appropriate to use first names only.
- 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 / event organiser will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- When a larger group photograph is to be used, it may be more appropriate not to name individuals, but name the photograph, e.g. The Pines from Sibsey Free School.
- 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.

**Under no circumstances whatsoever will any possible contact details be released to the press.**

If the School has any concerns regarding the use of photographs by the press, such concerns will be referred to the Independent Press Standards Organisation (IPSO).

If children or parents have any concerns about inappropriate or intrusive photography, they should report these to the Headteacher/event organiser who should record them in the same manner as any other child protection concern.



## Filming Events

The photographing or filming of School events, e.g. sports day, arts performance, is a valuable part of school life and can be rewarding for both the family and the School. As previously detailed herein, there are no Data Protection issues, but the School will consider the 'right to privacy' as well as the actual manageability of photographing/filming such events.

Photographing and Filming will be at the discretion of the Headteacher. It is typical for the Headteacher or staff member to encourage parents/carers to film their child only. Parents and any other spectators should contact the Headteacher or Organiser for permission to use photographic or recording equipment. It may be necessary for the Headteacher/event organiser to manage the way in which parents film events as constant interruptions could distract children and prevent them from performing to the best of their ability

To facilitate appropriate recording of children's images by parents / carers, the School will:

- 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.

### Commercial Photographers/Film Makers

If a commercial photographer is to be used to photograph or film events, such photographer will be given a clear brief of what is considered appropriate in terms of content and behaviour. Parents will be notified that a photographer will be in attendance and their permission sought.

If a commercial photographer/Film maker is to be used, the Headteacher/event organiser will where appropriate:

- Provide a clear brief concerning the terms of the content and behaviour.
- Issue the photographer with identification that must be worn at all times.
- Let children and parents know that a photographer will be in attendance at the event and ensure that they consent to both the taking and publication of photographs/films.
- Not allow unsupervised access to children or one-to-one photo sessions at events.
- Not approve/allow photo sessions outside the event or at a young person's home.

If children or parents have any concerns about inappropriate or intrusive photography/filming, these should be reported to the Headteacher/Events organiser, and any child protection issues dealt with in accordance with laid down procedures.

Any concerns relating to the use of filmed images by TV companies, these should be reported to the Office of Communications (Ofcom).

## Inter-School Fixtures

These guidelines also apply to inter-school events. If a vulnerable child is involved, it will be necessary to liaise with a member of staff from the other school 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.

## **Camera Phones**

There are currently no set laws or guidance concerning camera phones. There are concerns regarding safety, security and well-being of children posed directly or indirectly to children through the use of camera phones. In Sibsey Free School, it is the view of staff and governors that we do not allow the use of camera phones in School without the permission of the Headteacher.

## **Parental Consent**

Use of images of children requires the consent of the parent / carer. Permission will be obtained by using the form in Appendix 1 when a child joins Sibsey Free School. The form covers both Sibsey Free School and LCC when using the photographs in publications and on websites. It is the parents/carers' responsibility to inform the School should they wish to amend their original decision.

When a parent does not agree to their child being photographed, the Headteacher will inform staff and make every effort to comply sensitively. (See No. 4 herein) 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 Sibsey Free School e.g. television broadcasts, images on intranet sites, specific permission will be obtained (see appendix 2).

## **Staff Consent**

Photographic consent will be sought from Staff via a Consent form (See Appendix 5). All current staff will be requested to complete the relevant form. These will be filed in the office.

## **Ownership**

Human Rights legislation, GDPR good practice, and the Data Protection Act give people rights and it is the right to 'privacy' that is the issue when using photographs. The school will take steps to respect the rights of people in photographs.

The Copyright, Designs and Patent Acts 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).





Child Protection issues occur when individual pupils can be identified in photographs used in promotional material, newspapers or websites. There is also the risk of such photographs being used or adapted for inappropriate use.

## **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 SLT may wish to oversee the compiled images as part of the management process and consider their appropriateness.

## **Displays in Schools**

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

## **Children Photographing Each Other**

This practice can occur extensively during offsite activities particularly during residential periods. Staff will maintain the supervision and management control in these circumstances. 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 11).

## **Close Circuit Television (CCTV)**

At the present time Sibsey Free School has limited CCTV capability as a method of controlling access to the school. Increasing numbers of schools are installing such equipment for the following uses and it may well be the case that in the future Sibsey Free School will need to install further equipment:

- An aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.
- 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 areas within the building, corridors and other 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.



While CCTV can be an extremely effective and useful crime reduction / deterrent device, careful use of the images and control by competent responsible staff is considered crucial. Sibsey Free School will follow appropriate procedures as and when appropriate.

The following Policies also refer:

Child Protection

Safeguarding

Acceptable Use

Data Protection

Online Safety

Computing

RSE

## Appendices

- 1 Consent form for schools to use when children join the school, which also covers use of the images by Lincolnshire County Council.
- 2 Consent Form for Photographic Images of children to be used beyond the Sibsey Free School.
- 3 Agreement with Photographers.
- 4 Agreement with Editors
- 5 Consent form for staff



**Please return the form to: Mrs Felipes at Sibsey Free Primary School.**

Dear Parents/Carers

***Consent Form Photography and Images of Children***

At Sibsey Free School we think it is important to use photographs of our pupils enjoying the varied activities of school life to promote the positive aspects of the work that we do. The School has a duty to manage the safe use of Children's images, and to this end, the Governors have approved a School procedure dealing with this matter, to ensure that photographic/filming images are used properly, and to preserve the safety of children at Sibsey Free School.

During your child's life at Sibsey Free School we may wish to use photographs in our internal publicity materials such as school brochures and booklets, in our corridor and classroom displays, for staff training and assessment purposes, and on our website/twitter account. From time to time, articles and photographs of special events will appear in newspapers.

Photography or filming will only take place with the permission of the headteacher/ event organizer and under appropriate supervision. When filming or photography is carried out by the news media, children will only be named if there is a particular reason to do so (e.g. they have won a prize), and home addresses will never be given out. Images that might cause embarrassment or distress will not be used nor will images be associated with material on issues that are sensitive.

To do all we can to ensure all images of our pupils are used correctly, we need to:

- Obtain your permission to use images of your child/children, including newspaper publication. Please **answer the questions on the reverse of this letter, sign and date the form and return it to the School.**
- Observe the County Council's guidelines on the use of photographs/images.
- Only use the photographs/images for the purposes stated above/on the parental permission form.
- Store all electronic images securely, and periodically review and destroy these.
- Ask that you will follow our policy when you take photographs/images of your child/children at school events.

There may be other circumstances, falling outside the normal day to day activities of the school, in which pictures of children are requested. Sibsey Free School recognizes that in such circumstances specific consent from parent or guardian will be required before photography or filming of children can be permitted.

If permission has been granted, and you wish to attend Sibsey Free School functions and take photographs/images, for the protection of all of the children in the school, whilst we may permit photography/filming by parents, parents must keep all images securely, sharing only with family members and not disseminating online without the consent of those with parental responsibility



for each child appearing in the images. We would also request that if you are taking photographs/images, you are sensitive to other people and try not to interrupt or disrupt concerts, performances and events.

Yours sincerely

Head teacher

Name of child (Block Capitals):	
Name of person responsible for the child:	
<p>I have read and understood the school's Policy on the use of photographs/images/video clips, and consent to:</p> <ul style="list-style-type: none"> <li>• Photographs/images/video clips being used in Sibsey Free School's internal publicity materials such as school brochures and booklets, on corridor and classroom displays, for staff training and assessment purposes, and on the school's website/twitter account.</li> <li>• the local media taking images of activities that show the School and children in a positive light e.g. Reception Year pictures of new starters, drama and musical performances, sports and prize giving.</li> </ul> <p>I understand that:</p> <ul style="list-style-type: none"> <li>• embarrassing or distressing images will not be used;</li> <li>• the images will not be associated with distressing or sensitive issues; and</li> <li>• Sibsey Free School will regularly review and delete unwanted material.</li> </ul>	
Having read the above statement, do you give your consent for photographs/images/video clips being taken and used as described? (please tick the appropriate box)	<input type="checkbox"/> <b>YES</b> , I give my consent.
	<input type="checkbox"/> <b>NO</b> , I do not give my consent.
<p>Whilst the school may permit photography/filming, Parents must keep all images securely, sharing only with family members and not disseminating online without the consent of those with parental responsibility for each child appearing in the images. (Further information is contained within the Schools 'Procedure for the Safe use of Photographs and Electronic Images' available on the school website, or available for the school office.)</p> <p><b>By signing below you are also agreeing to comply with these guidelines.</b></p>	
Signature of person responsible for the child:	
Relationship to the child:	
Date (Date/Month/Year):	



This consent will remain in force for the duration of your child's time at Sibsey Free School unless amended/updated by the Parent/Carer.

Images held on the internet/intranet will be deleted once the child no longer attends the school, but may continue to be used in permanent display boards or publicity materials.

## Appendix 2

### Example/Draft

### Consent form for photographic images of children

Consent Form for Photographic Images of children to be used beyond Sibsey Free School

To Name of parent or guardian:

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Name of child

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Sibsey Free School:

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Address:

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#### Project Description:

(Statement should include description, circulation, timescale, access, agencies involved, copyright of material).

To the parent

*Please circle*

1. May we use your child's images in the above project?

**Yes / No**

Signature:

Date:

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**Please return this form to:**

**Sibsey Free Primary School**



## Appendix 3

### Example/Draft Agreement with Photographers

Lincolnshire County Council is commissioning agreed photographic work with (name photographer).

These commissioned images will be used in the County Council publications, and/or our website. The photographs may also be issued to the media for their use with our permission e.g. photo caption picture stories.

It is unlikely that the images will be used in a situation where the County Council would receive money for the image e.g. in advertising material. If this were to be the case then the Council would contact the originating photographer to discuss these specific circumstances.

The photographer's signature for the agreement of the County Council to hold the copyright of the images commissioned is agreed by the (named photographer) under the conditions stated above.

.....(Signature of photographer)

Date:.....



## Appendix 4

### Example/Draft Agreement with Editors

Lincolnshire County Council are seeking your (the Editor's name and publication) permission to use (identify picture by description or code number) for the purpose of (identify use e.g. Annual Report/Web site etc.).

We will give a credit to (name of publication) when using this image.

We will not use the image out of context from which the image was originally intended. For example we will not take an image of a disabled child receiving an award and then use the image to promote disabled children.

.....(Signature of Editor)

Date: .....



## Appendix 5

### Staff Consent Form:

Name of Staff Member (Block Capitals):		
<p>I have read and understood the school's Policy on the use of photographs/images/video clips, and consent to: <input type="checkbox"/> Photographs/images/video clips being used in Sibsey Free School's internal publicity materials such as school brochures and booklets, on corridor and classroom displays, for staff training and assessment purposes, and on the school's website/twitter account.</p> <p><input type="checkbox"/> the local media taking images of activities that show the School and children in a positive light e.g. Reception Year pictures of new starters, drama and musical performances, sports and prize giving.</p> <p>I understand that:</p> <ul style="list-style-type: none"> <li>embarrassing or distressing images will not be used;</li> <li>the images will not be associated with distressing or sensitive issues; and <input type="checkbox"/> Sibsey Free School will regularly review and delete unwanted material.</li> </ul>		
Having read the above statement, do you give your consent for photographs/images/video clips being taken and used as described? (please tick the appropriate box)		<b>YES</b> , I give my consent.
		<b>NO</b> , I do not give my consent.
<p>Whilst the school may permit photography/filming, Staff must keep all images securely, sharing only with family members and not disseminating online without the consent of those included in the images or with parental responsibility for each child appearing in the images. (Further information is contained within the Schools 'Procedure for the Safe use of Photographs and Electronic Images' available on the school website, or available for the school office.)</p> <p><b>By signing below you are also agreeing to comply with these guidelines.</b></p>		
Signature:		
Post held:		
Date (Date/Month/Year):		
<p>This consent will remain in force for the duration of your employment at Sibsey Free School unless amended/updated by you.</p> <p>Images held on the internet/intranet will be deleted once the staff member is no longer employed at the school, but may continue to be used in permanent display boards or publicity materials.</p>		

