



# St Thomas of Canterbury Catholic Primary School

Where every child is special

## Using Photographic Images Policy

Policy compiled by:

Headteacher

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The  
**CHILD**



The whole  
**CHILD**

Nothing but  
the **CHILD**

### OUR SHARED VISION

*Every child* at St Thomas of Canterbury is special and will achieve their full potential academically, socially, spiritually and emotionally through the provision of a loving community and rich and varied learning opportunities and the highest quality teaching and learning.

*Every staff member* at St Thomas of Canterbury will feel valued and enabled to provide the opportunities that we want for our children and to do so as part of a loving community which has the highest expectations of and for all.

*Every Governor* at St Thomas of Canterbury will feel valued and enabled to act as a critical friend to the School and to be accountable for the School's strategy. They will play a visible role supporting all children, their parents and staff at School and in the wider community, to provide the best environment possible for learning and spiritual growth.

### OUR MISSION STATEMENT

*God's love is at the heart of our Catholic School family.*

*We show this in our respect, kindness and love for others and by treating other people as we wish to be treated ourselves.*

*We will encourage everyone to be the best that we can be.*

### OUR AIMS

- To guide our children to grow in the love of God and build relationships that will enable them to make a positive contribution to the School and society.
- To develop an exciting, challenging and creative curriculum that produces confident and successful learners who are the best that they can be.
- To develop high quality learning that enables every child to flourish, to discover their talents and be lifelong learners.
- To establish a teaching and learning environment that encourages everyone to enjoy, to achieve, to be inclusive, to be healthy, and to stay safe.
- To nurture a strong partnership between home and School.
- To have respect and understanding for our School, our community and our world, helping our children to become responsible citizens and good role models.



## OUR GOLDEN RULE

We treat others as we would like to be treated

### INTRODUCTION

All staff believe that our school should provide a caring, positive, safe and stimulating environment that promotes the social, physical and moral development of the individual child. We live in an age in which digital technology has vastly increased the use, and potential misuse, of photography. This technology is constantly changing. To safeguard children, it is important we have a policy about the use of photographic images.

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, consent will be 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, will 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' school will 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, we will use general shots of classrooms or group activities rather than close-up pictures of individual children. We consider the camera angle; photographs taken over the shoulder, or from behind, are less identifiable.
- We will always 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.
- We will use photos sensitively to help promote our school as an inclusive community, and to comply with the Disability Discrimination Act.

## 3. IDENTIFYING PUPILS

The DfE 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 will:

- Use the minimum information.
- When **fully** naming pupils in any published text, whether in a school brochure or on the website, we will avoid using their photograph, unless we 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 we will check that the third party owns the copyright in the photograph and we will obtain their written or verbally recorded permission to use it. Images downloaded from the Internet are also subject to copyright.

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

## 5. USE OF IMAGES OF CHILDREN BY THE PRESS

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

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.



We shall communicate our policy clearly to local newspapers, to try to avoid any misunderstandings or conflict. If access is granted, it will 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 PROSPECTUS AND OTHER LITERATURE

Although most school literature is sent to a specific audience, we will always endeavour to avoid using personal details or full names of any child in a photograph.

## 7. VIDEOS

Parental consent will be obtained 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

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.

With the advent of mobile photographic devices and the ease this provides to photography and videoing, our policy is to allow videos or photographs to be taken by parents/carers at the end of small events. For large events, such as whole school/Key Stage events, parents will be asked to refrain from using mobile photographic and videoing devices. The exception to this would be our whole school Sports Day.

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 (including social media sites e.g., facebook etc.) 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.



The school retains the right to ban all filming, recording, and photography of school productions, sports days, etc, to avoid the disruption that this may cause and in that event legal advice would be sought, 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.

## **9. SCHOOL WEBSITE**

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.

We do not name any children whose photos appear on the website and make every effort to ensure that children who have left the school are no longer featured on the website.

## **10. WEBCAMS**

The regulations for using webcams are similar to those for CCTV (closed-circuit television). If we were to use a webcam we will ensure that the area in which we are using the webcam is well signposted and people will 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, we will tell the person why the webcam is there, what we will use the images for, who might want to look at the pictures and what security measures are in place to protect access.

## **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.)

All adults should be aware it is an offence to take, permit to be taken, make, possess, show, distribute or advertise indecent images of children in the United Kingdom. A child for these purposes is anyone under the age of 18. Viewing an indecent image of a child on your computer means that you have made a digital image. An image of a child also covers pseudo-photographs (digitally collated or otherwise). A person convicted of such an offence may face up to 10 years in prison.

## **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**

Each year we invite an official photographer into school to take portraits/photographs of individual children and/or class groups. We will ensure that we check the validity of the photographer/agency involved and establish what checks/vetting has been undertaken. We will 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**

The School website contains a number of useful websites around the importance of keeping safe online and advice for parents on safeguarding their children.

*This policy of St Thomas of Canterbury School upholds the school's ethos and Mission Statement. It must be read in conjunction with and implemented in accordance to the school's policies for Health & Safety, Data protection, Confidentiality, Equal Opportunities, Inclusion and Safeguarding. Copies of these policies are available from the school website.*





## APPENDIX

### Using Photographic Images – Seeking Your Consent

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 of 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. 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 (on the attached form). Some newspapers insist that children's names must be published with their photographs. Therefore we will normally give the children's first names only (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 Mr Lewin. If in the future you should wish to change your decision on whether to give consent, you can do so at any time.



## Using Photographic Images of Children – Consent Form

Child's name \_\_\_\_\_ Class \_\_\_\_\_

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. 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 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 video or webcam?

*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 first names may 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: \_\_\_\_\_