



**The Phoenix School**

Cambridge

## **THE PHOENIX SCHOOL CAMBRIDGE**

### **Policy on Use of Images and Videos of Children**

## Scope

The Phoenix School's Policy on Use of Images and Videos of Children will apply to all individuals who are to have access to and/or be users of work-related photographic equipment. This will include children and young people, parents and carers, staff, volunteers, students, governors, visitors and contractors. This list is not to be considered exhaustive.

The School's Policy on Use of Images and Videos of Children will apply to the use of any photographic equipment. This will include mobile phones and portable gaming devices with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.

## Code of conduct

All staff must ensure that the policy and procedures included herein are to be adhered to at all times. The School's Policy on Use of Images and Videos of Children must be considered in conjunction with the Acceptable Use Policy and the E-Safety Policy and Mobile Devices Policy.

The use of cameras and other photographic equipment is only to be authorised by the Designated Person for Safeguarding. Staff should only use such equipment for purposes as designated by the Designated Person for Safeguarding. It must be recognised that individuals may be given different levels of responsibility in terms of authorised use.

Wherever practical, cameras and other photographic equipment will be designated for work-related purposes only. The use of personal photographic equipment is to be avoided. Should it be considered that such use is not to be precluded for a given reason, explicit authorisation must be obtained from the Designated Person for Safeguarding or the Headteacher and all relevant details of use are to be recorded.

The Designated Person for Safeguarding must reserve the right to view any images taken and/or to withdraw or modify an individual's authorisation to take or make images at any time. Staff must ensure that all images are available for scrutiny and be able to justify any images in their possession.

The Designated Person for Safeguarding, Headteacher and Computing Coordinator will be responsible for ensuring the safe storage of all images.

Staff are to have a duty to report any concerns relating to potential misuse. Clear whistle-blowing procedures are to be in place

## Consent

General signed consent to take photographs or record images of children will be requested from the parent or carer on enrolment of their child. The purpose for taking any images is to be clearly explained and agreed. Any consent given is to be reviewed on a regular basis (of a

period of no more than one year) until such time the child or young person will no longer attend the school.

Individuals who do not have parental responsibility, such as childminders, friends or other relatives will not be able to give such consent. Only consent provided by a parent or carer with parental responsibility is to be accepted.

If visitors want to film or photograph an event, such as a nativity play, with a view to uploading it on to a social networking site, then consent should be sought from the other parents / carers. If any one parent / carer objects then no activity should be allowed; if consent is gained from all parties concerned, then the filming / photographing can take place.

However, families must recognise that while the school can make requests like this, they cannot be expected to enforce this by law.

The school also understands that if they choose to film an event on behalf of parents, they must observe the relative copyright licenses held.

## Images

It must be recognised that children and young people could be exposed to potential risk should images be misused.

Protective and precautionary measures should therefore be considered when taking, making or using images of children. It is to be ensured that all staff are aware of the potential for images to be subject to misuse; and therefore will be expected to agree and sign up to an Acceptable Use Agreement (in line with the Acceptable Use Policy).

Sensitivity must be shown to any child or young person who is to appear uncomfortable; and the potential for misinterpretation is to be recognised. Images will therefore not be taken of any child or young person against their wishes. Coercion must not be used to encourage a child or young person to participate when it has been indicated that they clearly do not want to be involved. A child or young person's right not to be photographed is to be respected.

It is to be recognised that individual close up pictures of a child or young person often provides little context or purpose, and most often, an image of a group of children will show an activity or situation to better effect. Unnecessary close up pictures of an individual child or young person with no surrounding context or purpose are therefore to be avoided. The vast majority of photographs taken will therefore be general shots of whole or small group activities.

Images which could be considered to cause distress, upset or embarrassment must not be used.

Images of children and young people must only be taken when they are in full and suitable dress. In no circumstances, are images to be taken of children or young people in any state of undress. Should children and young people be participating in sport activities, careful consideration must be given to the appropriateness of taking such images, in particular the angle of which shots may be taken.

The taking or making of images in sensitive areas, for example, toilet cubicles and changing areas is not to be permitted.

It should be ensured that a child or young person’s name or any other identifying information does not appear in any caption or accompanying text alongside their photograph, for example on displays, documentation panels and name cards. Particular care is to be taken where such images are likely to be viewed by others, including the general public.

It is to be ensured that if, on occasion, a child or young person is to be named (for an agreed reason) in any published text, for example, in the prospectus, a photograph of the child will not appear.

The minimum amount of information possible is to be provided to preserve the identity of children and young people at all times. No personal details, such as home telephone numbers, email or home addresses are to be disclosed in any written or verbal communications. This is to include information that will contribute to the personal profile of a child or young person.

The need to obtain consent for the use of images is to be applied to adults as well as children.

Where group photographs of children and young people are to be planned a reminder to parents of how any photos taken should be used will be sent to parents.

**Storage and disposal**

Images are to be stored and disposed of securely. The aim will be to prevent unauthorised access, ensure confidentiality and protect identity

Images will not be kept for longer than is to be considered necessary. The Designated Person for Safeguarding, Head or ICT Coordinator will ensure all photographs are to be permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use.

**Security**

All images will be handled as personal data and deemed to be of a sensitive and confidential nature. It is to be recognised that damage or distress could be caused if security is to be breached. The responsibility of being in a position of trust in handling such data must therefore be taken seriously.

**This is a whole school policy which also applies to the Early Years Foundation Stage. This policy is submitted to Governors for approval.**

**Signed on behalf of the Governors:** \_\_\_\_\_

**Policy Adopted: September 2015**  
**Date of next review: September 2016**

## Appendix 1

### Use of Images - Basic principles – Child Protection and Data Protection

#### 1. Types of Images

- Where possible, photos should be taken of groups of children rather than individuals.
- Where a photograph of an individual is used, organisations should avoid naming the child.
- Where the child is named, organisations should avoid using their photograph.
- Organisations should ensure images are of pupils in suitable dress to avoid the risk of inappropriate use e.g. images of children in sports or swimming kit are to be included at the discretion of the Headteacher.
- Organisations should ensure that personal details are not used in captions or filenames.

#### 2. Storage of Images

- Digital images and video of children should be saved on the schools secure hard drive, with suitable security for accessing the images.
- When a child leaves The Phoenix School, all images should be deleted.
- Those storing the images must ensure that image files should be clearly and appropriately named, avoiding the use of children's names.

#### 3. Data Protection

The Information Commissioner's Office (ICO) (see: [www.ico.gov.uk](http://www.ico.gov.uk)) has now issued some useful advice which indicates when the Data Protection Act (DPA) 1998 may apply to photographing children.

The ICO suggests that where the DPA applies we should take a common sense approach. For example, if a photographer asks permission to take a photo, this is usually enough to ensure compliance.

Photos taken for **official school use** may be covered by the DPA, and pupils / students should be advised why they are being taken.

For example:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the DPA will apply

Photos taken purely for **personal use** are exempt from the DPA.

For example:

- A parent taking a photo of their child and some friends at the school sports day to be put in the family album does not fall under the DPA
- Grandparents who are invited to the school nativity play wish to video it; this does not fall under the DPA

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 DPA as long

as the children and/or their guardians are aware this is happening, and understand the context in which the photo will be used.

The right to refuse parents and carers the opportunity to take photographs and make videos is however to be reserved on health and safety grounds. This right will be implemented should it be deemed appropriate. For example, if an excessive use of flashlights and/or bulky and noisy equipment are considered to be a potential health and safety risk.

### **Media use**

If a photo is taken by a local newspaper of a schools award 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 DPA.

### **4. Social networking sites**

Obviously if a photo is taken for personal use, the further use of these images cannot be influenced. This means that if you upload an image or video to a social networking site, such as Facebook, anyone online may be able to see and use this image. It is therefore important to choose an appropriate privacy setting on the site to restrict unwanted viewing.

The ICO has issued separate guidance on the use of social network sites, and how you can safeguard yourself as well as your friends and family. A link to this site is here:

[www.ico.gov.uk/sitecore/content/Youth/section3/intro.aspx](http://www.ico.gov.uk/sitecore/content/Youth/section3/intro.aspx)

### **5. Camera and image policy**

The Phoenix School has a Policy on use of Images and videos of Children.

### **6. Consent**

Parents/ carers should be asked for consent before photos of their children (under 16) are taken and/or used – letter and templates are supplied as Appendix 2, 3. It is understood that any child over the age of 12 is capable to make decisions re their own data – but also that any young person aged 16 or over are responsible for giving their own consent.

## Appendix 2

# Consent for Digital Images to be Taken

Date:

Dear *Name of the child's parent or carer*

Reference: *Name of child*

This letter explains why we will need to ask for your consent before we are able to take photographs of your child during their time at The Phoenix School.

Generally photographs are a source of pleasure and pride. We believe that the taking and use of photographs can enhance the self-esteem of children and their families and therefore is something to be welcomed and appreciated.

We may take photographs for a number of reasons whilst your child is with us, including to:

- document what they enjoy doing
- record their learning and development progress
- display in learning journeys and/or document panels
- record special events and achievements.

We will also encourage children to be active learners, and to become involved in using cameras themselves by taking photos of their surroundings, activities and of each other.

We do however recognise that with the increase use of technologies, particularly digitally and online, the potential for misuse has become greater and we understand that this can give rise to concern. We will therefore endeavour to put effective safeguards in place to protect children and young people by minimising risk. We will seek to protect children's identity and to limit opportunities for the taking, making and distribution of inappropriate images.

We have a Policy on the use of Images and Videos of Children in place, which you are welcome to view or take a copy of at any time.

We are mindful of the fact that for some families, there may be reasons why protecting a child's identity is a matter of particular anxiety, and if you have special circumstances either now, or at any time in the future which would affect or change you position regarding consent, please let us know immediately, preferably in writing.

If your child is old enough to express their own view, you may want to consult with them about categories of consent, and we invite you to use this letter to explore their feelings about being photographed.

Please read and complete the attached forms and do not hesitate to contact me should you have any queries.

Yours sincerely,

**Appendix 3**

**Consent Form for Taking Images**

To Name of the child's parent or carer

Re: Name of child

Occasionally, we may take photographs of children and young people to mark special occasions and to monitor their learning and development progress. Any photos taken will be for the use of our group and yourselves, and we will therefore not share them with a third party without explicit authorisation or consent.

Occasionally, we may invite the media to take photographs or film footage for publicity purposes and to record any special events. We will notify you of such occasions, and will seek specific permission for photographs to be taken, and potentially published at such times.

Should we wish to use any images in our publicity, in our prospectus or on the website, we will again ask for specific permission. This will be obtained alongside a copy of the image, and permission to use such image will be for a defined period of time only.

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child.

**Please complete as appropriate.**

- I consent / I do not consent to photographs of my child being taken by authorised personnel representing The Phoenix School.
- I agree / I do not agree with any resulting images being displayed on walls or in digital photo frames where they may be visible at times to the general public or anywhere which could be defined as a 'public place'.
- I agree / I do not agree with any resulting images being used in school made publicity documents, calendars or on the school website.
- I understand that additional consent will be obtained should images be taken or used by a third party, used in publicity materials or in the media.
- I understand that I can withdraw my consent, or request to see photos taken at any time.
- I have read and understood the conditions of use set out below.
- I have discussed this policy with my child, and s/he is happy to be photographed, although I understand that at any time should s/he refuse or become upset, no photographs will be taken.

Signed (parent/carer) .....

Name (parent/carer).....

Date.....



## Appendix 4

### Guidance from ICO

The ICO issued advice about how it is acceptable for parents to photograph or video school events (as they always have done). The following hyperlink sends you to that advice.

<https://ico.org.uk/for-the-public/schools/photos/>

School guidance is as follows:

It's a great thing to film your child at our events and we know they provide a lot of precious memories. You can support us in keeping our children safe by considering the following:

- Think about privacy and who has the right to see your images, not only of your own child but of others
- Images and video should be for your own or family's personal use only
- If you do share the images online, then you must make sure they are limited to immediate family only and not public
- If you need help in knowing how to do this then come and have a chat with any member of school teaching staff.