



Photography and Use of Children's Images Policy

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| V1 | Sept 23 | DD/JH/GB | |
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1. Introduction

- 1.1 At ONE Academy Trust, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences and the school and trust websites.
- 1.2 We only use images that we consider suitable and that appropriately represent the range of activities the school/trust provides and the values we adhere to. No images will be used which could be considered to put any child or adult at increased risk
- 1.3 We believe that the responsible use of children's images can make a valuable contribution to the life and morale of the school. The use of photographs in school publicity materials can increase pupil motivation and help parents and the local community identify and celebrate the school's achievements. We also understand that parents may wish to take videos or photos of their children participating in school events for personal use.
- 1.4 Through this policy we aim to respect young people and adults' (e.g. parents, staff and volunteers) rights of privacy. We aim to minimise the risks to which young people and adults can be exposed through the misuse of images. The policy takes account of both data protection and child protection issues.

- 1.5 Under the legal obligations of the UK General Data Protection Regulation (GDPR) and the Data Protection Act (DPA) 2018, the trust has specific responsibilities in terms of how photos and videos are taken, stored and retained with regard to both children and adults.
- 1.6 In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.
- 1.7 This policy has due regard to all relevant legislation including, but not limited to, the following:
- The Data Protection Act 2018
 - The General Data Protection Regulation
 - The Freedom of Information Act 2000
 - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- 1.8 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.
- 1.9 This policy complies with our funding agreement and articles of association.
- 1.10 This policy has due regard to trust and school policies including, but not limited to, the following:
- Staff code of conduct
 - Acceptable Use of IT (including Social Media)
 - Data Protection Policy
 - Records management policies and procedures
 - Allegations of abuse
 - Safeguarding and Child Protection Policy

2. Definitions

2.1 For the purposes of this policy:

- **“Images”** is used here to include photographs, digital photographs, film and video recordings
- **“Camera”** is used to refer to mobile phones, tablets, webcams, portable gaming devices and any other equipment or devices which may be used to take photographs.
- **“Personal use”** of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources or shared on social media. The principles of the GDPR and the DPA 2018 do not apply to images and videos taken for personal use.
- **“Official school use”** is defined as photography and videos which are used for trust and school purposes, e.g. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR and the DPA 2018 apply to images and videos taken for official trust/school use.

- **“Media use”** is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper. The principles of the GDPR and the DPA 2018 apply to images and videos taken for media use.
- Staff may also take photos and videos of pupils for **“educational purposes”**. These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the GDPR and the DPA 2018 apply to images and videos taken for educational purposes.

3. Responsibilities

3.1 The headteacher is responsible for:

- Submitting consent forms to parents when a child starts at the school, and checking for updates periodically with regards to photographs and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR and the DPA 2018.
- Deciding whether parents are permitted to take photographs and videos during school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

3.2 The Designated Safeguarding Lead (DSL) is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of Looked After Children (LAC) pupils.
- Liaising with the DPO to ensure there are no data protection breaches.
- Informing the headteacher of any known changes to a pupil’s security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

3.3 Parents are responsible for:

- Completing the Consent Form when requested by the school
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

3.4 Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the headteacher and DSL.

4. Data protection

4.1 All photographs and video content are classified as personal data under the UK GDPR and the DPA 2018

- 4.2 Photographs are used in school for many reasons and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.
- 4.3 The following is an excerpt from our Data Protection Policy:
- As part of our school activities, we may take photographs and record images of individuals within our school.
 - We will not seek consent from parents/carers for photographs and videos to be taken of their child for educational purposes for use in the classroom and school displays. We will process these images under the legal basis of Public Task.
 - We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.
 - Uses may include:
 - Within school on public area notice boards and in school magazines, brochures, newsletters, etc.
 - Outside of school by external agencies such as the school photographer, newspapers, campaigns
 - Online on our school website or social media pages
 - Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.
 - When using photographs and videos in this way we will not usually accompany them with any other personal information about the child, to ensure they cannot be identified.
- 4.4 All images will be stored securely and used only by those who are authorised to do so. We will not re-use images of individuals after they have left the school; these images will be destroyed unless there is an agreed purpose for retaining them. Please note that images that are embedded in our websites or promotional material may be in place for a reasonable period until they can be replaced and this retention period will be made clear when seeking consent.
- 4.5 The trust/school will not use photographs of:
- Children who have left the school, without the consent of their parents or, where appropriate, the children themselves.
 - Staff members/volunteers who have left the school, without their consent.
- 4.6 Photos and videos that may cause any distress, upset or embarrassment will not be used.
- 4.7 Parents, guardians or carers (hereafter referred to as parents) are responsible for providing consent on their child's behalf, except where the processing is related to preventative or counselling services offered directly to children.
- 4.8 Parents are required to be aware that their child/they may be photographed at school and they have the right to withhold consent for:
- Photographs or video taken by members of staff for school-based publicity and promotional purposes (school newsletters/prospectus) or for anonymous use on the school website.

- Photographs or video taken by parents and other family members of children at the school during school concerts, performances, sports events and other similar events organised by the school.
- Photographs or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.

- 4.9 Parents will be asked to complete the Consent Form, which will determine whether or not they allow their child/themselves to participate in photographs and videos. In seeking consent, we will ensure that parents are clear why we are using a child's image, what we are using it for, and who might want to look at the pictures. Our consent form makes clear the period of time for which consent applies.
- 4.10 We will not use images of identifiable individuals for school publicity purposes without the consent of either the individual themselves or, in the case of pupils, their parent, guardian or carer. Model consent forms for pupils and adults are attached at Appendix 1.
- 4.11 Photographs will not be used for marketing purposes unless the school has specific informed consent for the images and the images are only used in line with the consent provided
- 4.12 For any Looked After Children (LAC) pupils, or pupils who are adopted, the headteacher or Designated Safeguarding Lead will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of a LAC pupil, or pupils who are adopted, would risk their security in any way.
- 4.13 The trust understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 4.14 Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- 4.15 Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- 4.16 The Consent Form will be valid for the full duration of the child's time at the school unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. A new consent form will be required if the pupil's circumstances change.
- 4.17 If there is a disagreement over consent, or if a parent does not respond to a consent request, it will be treated as if consent has **not** been given and photographs and videos will not be taken or published of the pupil without consent.
- 4.18 All parents are entitled to withdraw or change their consent at any time. Parents withdrawing their consent must notify the school in writing.
- 4.19 A list of all the names of pupils for whom consent has **not** been given will be created by the school and will be made available to all staff members. This list will be updated annually as a minimum and whenever changes are made.
- 4.20 Children will not be allowed to use personal cameras, mobile phones or other electronic devices (e.g. smart watches) in school or on school visits.

- 4.21 Prior to school visits taking place the specific school risk assessment will identify any risks that may arise around taking photographs of children without parental permission.
- 4.22 Adults should only use equipment provided or authorised by the trust/school to make/take images and must not use personal equipment, mobile telephones or any other similar devices to make/take images.

5. Child protection and safeguarding

- 5.1 We will only use images of children in suitable dress. The headteacher will decide if images of some activities – such as sports or arts – are suitable without presenting a risk of potential misuse.
- 5.2 Members of staff and the school community are required to report inappropriate use of digital cameras and images to the headteacher and/or the DSL. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL. Any evidence of the use of inappropriate images, or the misuse of images, will be reported to the Local Authority Designated Officer (LADO), Social Care and/or the police as appropriate.

Additional safeguarding procedures

- 5.3 The trust/school understands that certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.
- 5.4 Within the school/trust literature we will never use an image of a child who is subject to a court order. Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the headteacher/DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.
- 5.5 The headteacher/DSL will, in known cases of a pupil who is a Looked After Child (LAC) or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupil.
- 5.6 Any measures required will be determined between the DSL, social worker, carers, and adoptive parents with a view to minimising any impact on the pupil's day-to-day life. The measures implemented will be one of the following:
- Photos and videos can be taken as per usual school procedures
 - Photos and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media
 - No photos or videos can be taken at any time for any purposes
- 5.7 Any outcomes will be communicated to all staff members and the list outlining which pupils are not to be involved in any videos or photographs, held in the school office, will be updated accordingly.
- 5.8 Adults should remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph/video taken.

6. General guidance

6.1 The following guidance should be followed:

- if a photograph is used, ~~avoid naming~~ do not name the ~~pupil~~ individual unless explicit consent has been obtained
- if the individual ~~pupil~~ is named, do not ~~avoid~~ use the photograph (except for official school use or educational purposes) unless explicit consent has been obtained from the parent/carer (for pupils) or the individual
- be clear about the purpose of the activity and about what will happen to the photographs/images when the lesson/activity is concluded
- ensure that a senior member of staff is aware that photography/image equipment is being used and for what purpose
- ensure that all photographs/images are available for scrutiny in order to screen for acceptability
- be able to justify the photographs/images made
- do not take images of pupils or adults for personal use
- only take images where the subject (parent/carer for pupil's) consents to this, except where the image is required for official school use or educational purposes e.g. security passes
- avoid taking photographs in one-to-one situations where possible
- do not display externally or distribute photographs/images of pupils unless there is consent to do so from the parent/carer
- only publish images of pupils where they and/or their parent/carer have given explicit written consent to do so
- do not take images of pupils in a state of undress or semi-undress
- do not take images of pupils which could be considered as indecent or sexual.

7. Use of digital devices/cameras

7.1 Members of staff may be provided with a camera or other digital device (e.g. iPad) to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils.

7.2 The use of personal devices to take photographs of pupils is prohibited on school premises at all times unless exceptionally, prior permission has been sought and given for specific circumstances e.g. due to a specialist requirement or defective equipment, the memory card should be shown to be empty and images downloaded to the school's server.

7.3 The school owned devices must be stored securely. Members of staff are responsible for making sure that they are locked away after use at the end of the day.

- 7.4 Each school owned device will be clearly identified as belonging to the trust/school
- 7.5 Members of staff are not allowed to take school digital devices or memory cards containing photographs home.
- 7.6 Where school-owned devices other than digital cameras are used, images and videos will be provided to the school at the earliest opportunity and then removed from the devices.
- 7.7 All images taken by members of staff or volunteers at school or on school activities remain the property of the school.
- 7.8 Images must not be shared with anyone outside the school or held for private use.
- 7.9 Images may under no circumstances be emailed or shared via private e-mail accounts unless a parent has asked for a photo of their child to be sent to them.
- 7.10 Unless specific prior consent has been obtained, members of staff and volunteers must not post school images on personal pages of social networking sites or other websites.

8. Internet

- 8.1 We will adopt the same principles as outlined above when publishing images on the internet as we would for any other kind of publication or publicity material. However, the trust recognises that there is no control over who may view images, and consequently a greater risk of misuse of images, via the internet. We will therefore give careful consideration to the suitability of images for use on the school's website.
- 8.2 Images, and accompanying details, will only be used in line with government guidance as outlined on the Department for Education and Skills Superhighway Safety website (<http://safety.ngfl.gov.uk/schools/>).

9. External photographers and events

- 9.1 If the school invites or permits an external photographer to take photographs within the school, we will:
- Ensure that a full DBS check is in place before gaining entry to the school.
 - Issue the photographer with identification which must be worn at all times
 - Provide a clear brief for the photographer about what is considered appropriate in terms of content and behaviour
 - Let pupils and parents know that a photographer will be in attendance at an event and ensure that consent has been obtained to both the taking and publication of videos and/or photographs
 - Not allow unsupervised access to children or one-to-one photo sessions at events.
 - Communicate to the photographer that the material may only be used for the school's own purposes and that permission has not been given to use the photographs for any other purpose.

- Ensure that the photographer will comply with the requirements set out in the GDPR and the DPA 2018.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the school.

9.2 The same conditions will apply to filming or video-recording of events.

9.3 Photographs taken by journalists are exempt from the Data Protection Act as newspapers are subject to strict guidelines governing the press. However, wherever possible and practicable, we will secure parental permission before allowing journalists to take photographs of pupils.

10. Photography and videos during school events (parents/carers)

10.1 If the headteacher permits parents/carers to take photographs or videos during a school event, parents will:

- Remain seated while taking photographs or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photographs and/or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording videos.
- Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further photographs and/or videos if and when requested to do so by staff.

11. Storage and retention

11.1 As per the GDPR and the DPA 2018, images obtained by the school will not be kept for longer than necessary; retention periods for the different types of personal data are outlined in the school's Record Management Policy.

11.2 Hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored in the school office. They will not be used other than for their original purpose, unless permission is sought from the headteacher and parents of the pupils involved.

11.3 Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended.

11.4 The DPO will review stored images and videos on a termly basis to ensure that all unwanted material has been deleted.

11.5 Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive immediately.

- 11.6 When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.
- 11.7 Where a pupil's security risk has changed, the DSL will inform the headteacher immediately. If required, any related imagery and videos involving the pupil will be removed from the school drive immediately. Hard copies will be removed by returning them to the parent/pupil or by shredding, as appropriate.
- 11.8 Official school photos may be held on our management information system (MIS) alongside other personal information. These will be retained for the length of the pupil's attendance at the school, or longer if necessary, e.g. due to a police investigation.
- 11.9 Images taken on the camera must be downloaded as soon as possible onto a school computer/laptop, ideally once a week.
- 11.10 Members of staff are responsible for ensuring that images are safely stored, particularly on memory sticks and hard drives. They must take reasonable measures to ensure that they do not come into the possession of unauthorised persons.
- 11.11 No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the headteacher to do so.
- 11.12 The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met.
- 11.13 If the memory card for individual school cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered.
- 11.14 Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card must be appropriately disposed of to ensure that no imprint remains.

12. Monitoring and review

- 12.1 This policy will be reviewed every 3 years by the CEO.

<Insert School Heading (to avoid confusion with contact details!)>

Consent Form – Safe Photography in School & Images of Children

The use of digital/video images plays an important part in learning activities. Pupils, members of staff and occasionally external photographers working on our behalf, may use digital cameras to record evidence of activities in lessons, out of school, performances and concerts. These images may then be used in presentations, in subsequent lessons and for display and celebratory purposes. Images may also be used to celebrate success through their publication in newsletters, on our websites, on our social media pages and occasionally in the public media. We may use images in our publications such as the school or ONE Academy Trust prospectus. We also invite an external photographer to take the annual class and/or individual photographs of pupils for sale to parents/carers.

We do not need consent from parents/carers for photographs and videos to be taken of your child for educational purposes for use in the classroom and school displays. We process these images under the legal basis of Public Task.

We are seeking consent from parents/carers for photographs and videos to be taken of your child for communication, marketing and promotional materials. If you're not happy for us to do this, that's no problem – we will accommodate your preferences. Images on display, on our websites, on our social media and in our publications may continue to be in use after your child has left (Insert name of school) until updated. All images will be stored and used in accordance with current Data Protection legislation. Please answer the questions below, then sign and date the form where shown. This form will be effective during the whole of your child's time at (Insert name of school). Periodically, we may contact you to remind you to update the form as we like to refresh our permissions to ensure that we keep up-to-date with your preferences.

If at any time you change your mind a new form can be requested, completed and returned to school. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

We require this consent form to be returned for every child.

Please indicate your preferences in the boxes below and return by: (Insert date)

| | |
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| I consent to my child's image being displayed and available for order as an individual photograph e.g. following school performances | Yes / No |
| I consent to my child's image being displayed and available for order as part of group photographs e.g. following school performances | Yes / No |
| I consent to my child's image being used on the school's website and/or on the ONE Academy Trust website. <i>Where children's images are used the image will not be accompanied by the child's full name without additional consent from the child's parent/carer.</i> | Yes / No |
| I consent to my child's image being used in promotional materials and other publications produced by the school and/or ONE Academy Trust e.g. newsletters /school brochure <i>Where children's images are used the image will not be accompanied by the child's full name without additional consent from the child's parent/carer.</i> | Yes / No |
| I consent to my child's image being used in the media e.g. local newspaper <i>Where children's images are used the image will not be accompanied by the child's full name without additional consent from the child's parent/carer.</i> | Yes / No |

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| I consent to an individual photograph of my child being taken by an external photographer for the purpose of sale to parents/carers | Yes / No |
| I consent to a group photograph including my child being taken by an external photographer for the purpose of sale to parents/carers (annual class photographs). | Yes / No |
| I am happy for photographs and/or video recordings of my child to be taken by the school for the purposes of recording my child's activities and achievements and providing me with information (e.g. Class DoJo). <insert any relevant systems> | Yes / No |

Please Note:

- 1. There may be other circumstances, falling outside the normal day to day activities of the school, in which pictures of children are requested. The school/trust recognises that in such circumstances specific consent from a parent or carer will be required before photography or filming of children can be permitted.*
- 2. If you wish to attend school functions and take photographs of your own and other people's children, please take appropriate images, be sensitive to other people and try not to interrupt or disrupt concerts, performances and events. Such images may only be used for personal and family use and may not be put on social media networks if they contain recognisable images of other children, without the explicit consent of the child's parent/carers.*
- 3. Websites can be seen throughout the world and not just in the UK where UK law applies.*

If you have any questions, any specific preferences not listed or if you change your mind at any time, you can let us know by emailing **<insert school email address>**, calling the school on **<insert phone number>**, or just call in to the school office to discuss.

| |
|----------------------------------|
| Child's Name: |
| Parent/carers' signature: |
| Date: |

<Insert school/trust heading>

1 Photograph and video consent form (adults)

The use of digital/video images can be helpful in providing information about our services for the school/trust and wider community.

We do not need consent to take and use images of you for processing purposes aligned to our function, such as our school security access systems.

We are seeking consent from you for photographs and videos to be taken of you for additional purposes such as communication, marketing and promotional materials. If you're not happy for us to do this, that's no problem – we will accommodate your preferences. Images on display, on our websites, on our social media and in our publications may continue to be in use after you are no longer employed by us or involved with us until they are updated and replaced. All images will be stored and used in accordance with current Data Protection legislation.

Please answer the questions below, then sign and date the form where shown. This form will be effective during the whole of your time at (insert name of school/trust). Periodically, we may contact you to remind you to update the form as we like to refresh our records to ensure that we keep up-to-date with your preferences. If at any time you change your mind a new form can be requested, completed and returned to (insert details e.g. the school office/clerk). If consent is withdrawn, we will delete the photograph or video as soon as possible and not distribute it further.

(You will find more information on how we use personal data in our privacy notices which are available to access on our website or on request).

This consent form must be returned.

Please indicate your preferences in the boxes below and return to (insert details e.g. the school office/clerk) by: (insert date)

| | |
|--|----------|
| I consent to my image and surname being used within the school buildings for recognition, celebration and display purposes. I understand that my surname may accompany my image. | Yes / No |
| I consent to my image and surname being used on the school/trust's website for recognition and celebration purposes. I understand that my surname may accompany my image. | Yes / No |
| I additionally consent to my full name accompanying my image for these purposes. | Yes / No |
| I consent to my image and surname being used in promotional materials and other publications produced by the school and/or ONE Academy Trust e.g. newsletters/school brochures. | Yes / No |
| I additionally consent to my full name accompanying my image for these purposes. | Yes / No |
| I consent to my image and surname being used in the media e.g. local newspaper. I understand that my surname may accompany my image. | Yes / No |

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| I consent to a group photograph including me being taken by an external photographer for the purpose of sale to parents/carers (annual class photographs). | Yes / No |
| I am happy for photographs and/or video recordings of me to be taken by the trust/school for the purposes of recording children's activities and achievements and providing parents with information (e.g. class DoJo system). <insert any relevant systems> | Yes / No |

Please Note:

4. *There may be other circumstances, falling outside the normal day to day activities of the school/trust, in which your picture is requested. The school/trust will ask your specific consent in such circumstances.*
5. *Websites can be seen throughout the world and not just in the UK where UK law applies.*

If you have any questions, any specific preferences not listed or if you change your mind at any time, you can let us know by emailing **<insert school email address>**, calling the school on **<insert phone number>**, or just call in to the school office to discuss.

| |
|-------------------|
| Name: |
| Signature: |
| Date: |