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***Safe use of
 Photographs/Electronic Images
 (Guidance, policy and template
 consents)***

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**Holton le Clay Schools Federation have agreed to adopt and follow the current
Lincolnshire County Council policy and guidance on the Safe Use of
Photographs and Electronic Images**

GUIDANCE from Lincolnshire County Council

Introduction

Holton le Clay Schools Federation 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 respect young people's and parents' rights of privacy and are aware of potential child protection issues.

Many organisations provide advice on the use of images, especially on the Internet, and most would agree on a few principles to follow to ensure responsible use. However, some organisations (and some local authorities) believe that the only way to be sure of protecting children is to ban the use of photographs in all school publicity materials.

Lincolnshire County Council's view is that schools need to balance potential risks against the advantages of promoting the school in a colourful and attractive way. Risk can be minimised by following the advice in this document and in securing parental consent for the use of photographs.

Key Points

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
- Identification of pupils on cpoms
- 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 Holton le Clay Schools Federation 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.

Safeguarding Children Issues

Risks may occur when individual pupils can be identified in photographs. Providing the name and photograph 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.

The NSPCC warns that this information could make a child vulnerable to abuse. Also, the content of the photo can be used or adapted for inappropriate use. There is evidence of this adapted material finding its way onto child pornography sites. Their advice is that organisations should develop a policy in relation to the use of images and ensure that the parents support their policy. Central government and the NSPCC recommend that you create a recognised procedure for reporting the use of inappropriate images in the same way as you would for any other child protection issue – inform your Safeguarding Children Officer and Children's Social Care and / or the Police.

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.

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.

Data Protection Act and School Events

In June 2010, the Information Commissioner's Office published the following clarification regarding the mistaken idea that parents cannot take photographs at school events due to Data Protection issues.

'Photographs taken purely for personal use are exempt from the Data Protection Act, (DPA).'

This means:

Parents, friends and family members can take photographs of their child and friends participating in school activities for the family album and can film events at school.

Photographs taken by the media are also usually exempt from the Act. In the very small number of circumstances where the DPA does apply, if permission is sought by the photographer and / or the school, this will usually be enough to ensure compliance.

The main issue of DPA applying to educational establishments is where photographs are taken for official use by schools and colleges, for example Identity Passes, and the images are stored with personal data such as names.

In such cases consent would be required, along with information for parents explaining purpose, security of storage and the length of time for which the images would be retained.

It would still be good practice for schools to manage the way in which parents film events as constant interruptions will both distract children and prevent them from performing to the best of their ability and also be an annoyance to others in the audience.

(See 'Filming Events' below)

Appropriate use of images in school publicity material

The problem of identification can be avoided by never using photographs of individual children, only group or whole class shots, or by ensuring that faces are out of focus or pupils are partly or wholly turned away from the camera. This is not recommended as good practice, even though it is likely to be effective in overcoming identification issues. This approach can produce very dull photograph that will not promote the school very successfully. A more positive approach is to follow the guidelines below.

- Secure parental consent.
- If a photograph is used, avoid naming the child.
- Only use images of children in suitable dress to reduce the risk of inappropriate use. This is a judgement for the Headteacher to make but some activities – swimming, gymnastics and athletics – clearly present a greater risk of potential misuse. With these activities, the content of the photograph should focus on the activity, not on a particular child, and should avoid full face and body shots. So for example with swimming, shots of children in a pool would be appropriate or, if possible, seen waist or shoulder up.
- Never use an image of a child who is subject to a Court Order.
- Establish whether the images will be retained for further use.
- Make sure images are stored securely and used only by those authorised to do so.
- Do not re-use photographs of children (or teachers) after they have left the school. (Historical records of past school events would not normally be included).

Websites

The basic advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, you do need to be more aware of the potential risk of inappropriate use of images because of the lack of control you have over who might see the image and the wide extent of misuse of the internet by certain people.

Make sure your consent form explicitly includes publication on the Internet. It is not sufficient to re-use consent for printed publication.

Simple technology features such as watermarking may stop the misuse or downloading of your images. Care should be taken to ensure that a file name of a photograph cannot identify a pupil, e.g. marygreen.jpg

Newspapers

Newspapers will want to include the names of pupils in photographs that they intend to use. Ensure that you have secured parental consent and that parents are quite clear that the named photograph will appear in a newspaper.

For photographs of larger groups e.g. 'Class 6W' it should be sufficient to simply state 'Class 6W from School', however, names will usually be requested. If this is the case and you have secured consent, you should not have significant concerns as to their use.

For smaller groups of up to about 9 pupils, individual names will be requested. Head teachers would need to balance the level of risk against the benefits of publication and make their decision accordingly. Again, if consent has been secured then schools are doing what is reasonably practicable, given the risk involved.

The County Council does not seek to ban the publication of pupils' names in newspaper articles or as captions with photographs.

Whilst recognising that there is a low level risk, cases are actually very rare though widely publicised. The control measures therefore need to be suitable and sufficient. Ensuring consent, clarifying purpose and use and following the guidance in this document are reasonable control measures.

Under no circumstances whatsoever should any possible contact details be released.

The use of photographs in newspapers is already 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.

There is no breach of the Data Protection Act in simply passing on a child's name to a journalist so long as you have secured parental consent. If schools or parents have any concerns regarding the use of photographs by the press, they should contact the Press Complaints Commission.

N.B. Parental consent for newspaper publicity photographs is vital. It has been known for children placed in refuges for their own safety, to be located as a result of their photograph appearing in the newspaper.

Filming Events

Parents or other spectators may want to photograph or video record an event such as sports day or arts performance. This is a valuable part of school life and can be very rewarding for both the family and school. It should not cause any problems so long as parents are clear about your expectations. The issues are manageability and 'right to privacy' and not Data Protection as may have been previously understood.

Parents, and any other spectators should let the event organiser know if they wish to use photographic equipment. You should consider creating a designated area in which photographs or filming can take place. You will then know who is photographing or filming and whether they have permission to do so.

Making sure that the images are appropriate applies to video as well as film. This may have implications for the way in which events are stage-managed or for where your designated filming area is located.

If a commercial photographer is used, the following advice from the NSPCC is helpful:

- Provide a clear brief about what is considered appropriate in terms of content and behaviour.
- Issue the photographer with identification which must be worn at all times.
- Let children and parents know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs.
- Do not allow unsupervised access to children or one-to-one photo sessions at events.
- Do 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, they should report them to the event organiser who should record them in the same manner as any other child protection concern.

If schools or parents have concerns regarding the use of filmed images by TV companies, they should contact the Office of Communications (Ofcom).

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 Holton le Clay Schools Federation. The form covers both Holton le Clay Schools Federation and LCC when using the photographs in publications and on websites. It is the parents/carers' responsibility to inform 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.

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 Holton le Clay Schools Federation 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 3) All current staff will be requested to complete the relevant form. These will be filed in the school office.

Ownership

Human Rights legislation and the Data Protection Act 2018, 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 1988 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 4).

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 specified in the Offsite Activities Guidelines 2003. 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

Close Circuit Television (CCTV)

At the present time Holton le Clay Infant 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 Holton le Clay Schools Federation 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. Holton le Clay Schools Federation will follow appropriate procedures as and when appropriate.

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

Actions for Governors

- To consider the County Council's advice as set out in this document.
- To consider the type of images you deem suitable and which appropriately represent the school.
- To develop a policy in relation to the use of images of pupils in school publications, publicity materials, and on the school's website.

- To develop a procedure to ensure that parental permission has been obtained to use photographs of pupils.
- To ensure parents support the policy.

SCHOOL POLICY

At Holton le Clay Schools, 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.

We use photographs in our internal publicity materials such as school brochures and booklets, on our corridor and classroom displays, for staff training and assessment purposes and on our website and twitter feed. From time to time, articles and photographs of special events will appear in newspapers. We also maintain a photographic archive.

At the end of year 6, we present children with a presentation including photographs taken over their time in the federation. Only children whose parents have given permission will be included in this presentation.

To do all we can to ensure all photographs of our pupils are used correctly, we undertake to;

- Observe the County Council's guidelines on the use of photographs;
- Obtain parental permission to use photographs of children, within the school environment, publicity, including newspaper publication and on the school website;
- Store all electronic images securely and only keep them for the purposes of maintaining a historical record;
- Only use photographs for the purposes stated above;
- Ensure that parents and other visitors only take photographs of children at events such as special assemblies, sports days, concerts etc;
- Ask that parents follow our policy by not misusing photographs taken within the school grounds, for example, by placing them on social media when other children are included.

Review of Policy

This policy will be reviewed 3 yearly and as required

Reference Points

- NSPCC via www.nspcc.org.uk or 0808 800 5000
- Information Commissioner www.ico.gov.uk

Contact Points

- Safeguarding Children Officer 01522 554668
- Schools Liaison Officer 01522 554884

Appendices

- 1a Guidance to Manage the Safe Use of Photography and Images of Children
- 1b Consent (general) form for schools to use, which also covers use of the images by Lincolnshire County Council. Specific consents on Admissions form.
- 2 Consent Form for Photographic Images of children to be used beyond Holton le Clay Schools Federation.
- 3 Consent form for staff
- 4 Agreement with Photographers

Consent Form Photography and Images of Children

Dear Parents/Carers

At Holton le Clay School Federation 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. Our Schools have 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 Holton le Clay Schools Federation.

During your child's life at Holton le Clay Schools Federation, 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. 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 head teacher/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.
- 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. Holton le Clay Schools Federation 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 Holton le Clay Schools' 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
Executive Headteacher
Dawne Hunt

Appendix 1 b

Name of child (Block Capitals):	
Name of person responsible for the child:	
I understand that: • Photographs/images may be used in Holton le Clay School's internal publicity materials such as school brochures and booklets, on our corridor and classroom displays, for staff training and assessment purposes, and on our web site. • the local media may take 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; • embarrassing or distressing images will not be used; • the images will not be associated with distressing or sensitive issues; and • Holton le Clay Schools Federation will regularly review and delete unwanted material	
Consents requiring <u>completion on New Student Admission Form</u> are: • e.mailed School Learning Journeys, newsletters and correspondence • Images/Videos of my child on the school website, Twitter or School marketing materials • Images/Videos of my child used by the local media to publicise school events and activities • My child's school photo be taken by school appointed photography co. GDPR compliant (School Photos) • Videos/Images of my child displayed within school	
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 Managing the Safe use of Photographs and Electronic Images as advised by Lincolnshire County Council) By signing below you are agreeing to comply with these guidelines. Consents are to be completed on Student Admission form.	
Signature of person responsible for the child:	
Relationship to child:	
Date (Date/Month/Year):	
<i>This consent will remain in force for the duration of your child's time at Holton Le Clay Schools Federation unless amended/updated by the Parent/Carer.</i> <i>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.</i>	

Appendix 2

**Consent Form for Photographic Images of children to be used
beyond Holton le Clay Schools Federation**

Name of parent or guardian:

Name of child:

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:

Please return this form to Holton le Clay Schools

Name of Staff Member (Block Capitals):		
I understand that: - the local media may take images of activities that show the School, Staff and children in a positive light e.g. Reception Year pictures of new starters, drama and musical performances, sports and prize giving; - photographers acting on behalf of the School (including staff members) may take images for use in displays, in publications, on the school's website and/or Twitter page - embarrassing or distressing images will not be used; - the images will not be associated with distressing or sensitive issues; and - Holton le Clay Schools Federation will regularly review and delete unwanted material		
Having read the above statement, do you give your consent for photographs and other images to be taken and used? (please tick the appropriate box)		YES I give my consent for pictures to be taken and used
		NO , I do not give my permission for pictures to be taken and used
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.		
By signing below you are also agreeing to comply with these guidelines.		
Signature		
Post Held		
Date (Date/Month/Year)		
This consent will remain in force for the duration of your employment at Holton le Clay Schools Federation unless amended/updated by you. 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.		

Appendix 4

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)

.....(Name)

.....(Company)

Date:.....