

# Overchurch Junior School

## Photographic and Filming

### Policy



<b>Written by</b>	
<b>Ratified by Governors</b>	
<b>Date for Review</b>	
<b>Signed – Chair of Governors</b>	
<b>Signed – Headteacher</b>	

## **Rationale**

We live in an age in which digital technology has vastly increased the use, and potential misuse, of photography.

Most children who are abused are abused by someone they know. We have taken the view, in consultation with our local police force, that the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing reasonable steps are taken in planning, 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 are 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.

## **Issues of Consent**

The General Data Protection Regulation (GDPR) affects our use of photography. This is because an image of a child is personal data for the purpose of the GDPR, 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 is sought when the pupil starts at the school, to last for the duration of their stay.

A general signed consent form, as attached to this guidance, is 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 in Care' (CiC) are concerned, we 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.

Consent gained is for photographs, videos and the website.

Parents retain the right to withdraw consent at any stage, but they need to do so in writing.

## **Planning Photographs of Children**

Images and details of pupils published together 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, general shots of classrooms or group activities rather than close up pictures of individual children will be used. Consideration of the camera angle: photographs taken over the shoulder, or from behind are less identifiable.
- The use of images of children in suitable dress, and taking care when photographing PE or swimming events to maintain modesty.
- Remembering to include images of children from different ethnic backgrounds in our communications wherever possible and positive images of children with disabilities to promote the school as an inclusive community, and to comply with the Disability Discrimination Act.
- Children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, consideration will be given to airbrushing logos.
- Consider alternatives. Is a photograph of the children necessary, or could an article be illustrated by the children's work for example?

## **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.

We recommend:

- The use of minimum information. Is it really necessary to accompany a picture with the pupils' names, the year group, or the school?

At Overchurch Junior School we do not give out the names of individual pupils in full.

## **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 check that the third party owns the copyright in the photograph and obtain their written permission to use it. The use of a photograph by the school, without the copyright owner's permission could result in an action being taken against us for copyright infringement.

Images downloaded from the Internet are also subject to copyright.

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

### **Use of Images of Children by the Press**

Please refer to the recommendations above - 'Identifying Pupils'.

There may be occasions where the press take photographs of pupils at the school. The consent form attached highlights the potential risks for parents so that they can make an informed decision about whether to agree to their children being featured in the press and whether their full name should accompany the photograph.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given our responsibility to parents and pupils, we ensure that broadcasters and press photographers, on school premises, are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

### **School Prospectuses and other Literature**

Although most school literature is sent to a specific audience, the school will avoid using personal details or full names of any child in a photograph. See the DfE advice above.

### **Videos**

The school ensures it has parental consent 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 General Data Protection Regulation (GDPR). (Please refer to Parental Right to Take Photographs) below.

### **Websites**

This is an area that gives particular concern to parents because of the potential misuse of images by paedophiles. 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. The dual concern which follows such a risk is that children might be exploited, and a school might be criticised or face action. The school will ensure that images on the website are updated and current.

The school takes care with identification, and to respect parental views on the use of any photography of children on a website.

### **Parental right to take photographs**

Parents are not covered by the General Data Protection Regulation (GDPR) if they are taking photographs or making a video recording for their own private use. The GDPR does not, therefore, stop parents from taking photographs or making video recordings at school events, such as plays.

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 General Data Protection Regulation (GDPR) would be breached. The consent form attached reminds parents of this fact.

Data Protection considerations aside, it is possible to consider banning all filming / recording / photography of school productions, sports days etc. if we felt that this is appropriate. We believe, however, that many parents would consider it to be over-cautious to impose such a ban and we would not, at this stage, recommend this course of action. Should we wish to impose any such ban we would take legal advice in order to ensure that the correct steps are taken, whilst acknowledging that such a ban would be difficult to enforce.

The important thing is to be sure that people with no connection with the school do not have any opportunity to film covertly. Staff are asked to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

### **The Storage of Photographs**

Photographs will be maintained securely for authorised school use only, and disposed of either by return to the child, parents, or shredding as appropriate.

### **Official School Photographs**

Schools will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. When considering such an activity the school will undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken. GDPR Data Sharing and Processing Contracts are in place between Woodlands Primary School (Data Controller) and Photographers (Data Processors). Procedures 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.

### **Useful Sources of Information**

'Keeping your child safe on the internet' publication by UK online and the Home Office  
[www.wiseuptothenet.co.uk](http://www.wiseuptothenet.co.uk)

Press Complaints Commission Code of Practice at [www.pcc.org.uk/cop/cop.asp](http://www.pcc.org.uk/cop/cop.asp)

Internet Watch Foundation at [www.internetwatch.org.uk](http://www.internetwatch.org.uk)

**General Data Protection Regulation (GDPR) – Parental Consent Form**

(This form is available on the ParentApp to be completed electronically. A paper copy maybe requested for completion)

**Name of Child:**.....**Class** .....

Often we take photographs of the children at our school. We may use these images in our school’s prospectus or in other printed publications that we produce, as well as online. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use.

From time to time, our school may be visited by the media who will take photographs or film footage of a visiting dignitary or other high profile event. Pupils will often appear in these images, which may appear in local or national newspapers, or on televised news programmes.

To comply with the General Data Protection Regulation (GDPR) we need your consent before we can photograph or make any recordings of your child. Please answer questions 1 to 5 below, then sign and date the form where shown. **Please note you can withdraw consent at any time.**

*Please circle Yes or No*

1.	May we use your child’s photograph (unidentified) in the school prospectus and other printed publications that we produce for promotional purposes?	<b>Yes</b>	<b>No</b>
2.	May we use your child’s image (unidentified) online? (for example on the school website/social media feeds)		
3.	May we use, if selected, your child’s work online? (for example on the school website/social media feeds)		
4.	May we record your child’s image (unidentified) on video or webcam?		
5	Do you consent to your child’s image (unidentified) being published with a press photograph?		

*Websites can be viewed throughout the world and not just in the United Kingdom where UK law applies.*

- *Unidentified above means we will only use the first name.*
- *Conditions for use of these photographs are on the back of this form*

I have read and understood the conditions of use on the back of this form.

Signature ..... (Parent/Carer)

Date: .....

## Conditions of School Use

- This form is valid for five years from the date you sign it, or for the period of time your child attends this school. The consent will automatically expire after this time (the school will ensure that images online are updated, and remove out-of-date images, although these may remain on the website for up to six months after your child leaves). It is your responsibility to let us know if you want to withdraw or change your agreement at any time. **Please note you can withdraw consent at any time.**
- We, the school, will not use the personal details or full names (which means first name **and** surname) of any child in a photographic image on video, online, in our school prospectus or in any of our other printed publications.
- We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, online, in our school prospectus or in other printed publications.
- If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption, unless we have your agreement.
- If we name a pupil in the text, we will not use a photograph of that child to accompany the article.
- We may include pictures of pupils and teachers that have been drawn by the pupils.
- We may include, if selected, work from pupils.
- We may use group or class photographs or footage with very general labels, such as “a science lesson” or “making Christmas decorations”.
- We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.
- **As the child’s parents/guardian, we agree that if we take photographs or video recordings of our child/ren which include other pupils, we will use these for personal and family use only.** I/we understand that where consent has not been obtained from the other parents for any other use, we would be in breach of the General Data Protection Regulation (GDPR) if we used our recordings for any wider purpose.