

Guidance on the Use of Photographic Images and Videos of Children in Schools

Sept 2009

Summary - Photographic and Video Images of Children in School

This guidance was originally released in 2005/06 but has been updated to keep pace with both changes in safeguarding expectations and the Data Protection Act.

We accept fully that for a lot of schools this is not an issue which causes concern but it is one which has generated complaints and created problems for some schools.

Abiding by the guidance will at least minimise the potential for concerns.

There are two main areas of concern;

1. Data Protection Concerns

- Whether taking photographs or videos of children in school by parents, staff or others could breach data protection regulations.

2. Safeguarding Concerns

- The potential for inappropriate use/adaptation of images for use on child pornography websites.
- The possible identification of young people, especially where the photograph is accompanied by additional information

Photographic and Video Images of Children in School

General – Data Protection Issues

The question is often asked as to whether parents/carers can take photographs or make video recordings of nativity plays and similar school events. Parents/carers are not required to comply with the Data Protection Act 1998 when taking photographs for their own private use of their children at an organised event.

Parents/carers are not permitted however to take photographs or to make a video recording for anything other than their own personal use. They would not, for example, be permitted to sell videos of a school event, (unless authorised/commissioned to do so by the Headteacher/Governors for the purpose of fundraising on behalf of the school and in a fashion that had already met the requirements for such sales). Recording and/or photographing other than for private use would require the consent of all the other parents/carers whose children may be included in the images. To make sales or pass copies on without this could be a breach of the Data Protection Act 1998.

It is for the school to decide whether to allow videos or photographs to be taken by parents/carers during the event. Where this has been the practice in the past, unless parents specifically object, we suggest it should be allowed to continue within the following guidelines.

When hosting an event where parents are permitted to take photographs or videos, it should be made clear from the start that any images taken must be for private use only and if they include others, they must not be put on the web/internet without their consent; otherwise Data Protection legislation may be contravened. Schools may wish to provide written guidance to parents beforehand and/or make an announcement at the start of the event.

Data protection considerations aside, it is possible to try to ban all filming, recording and photography of school productions, sports days etc to avoid the disruption that this may cause, although with increasing use of mobile phone photography, policing of such a ban would be difficult.

Where such a ban is being considered, legal advice should be taken in order to ensure that the correct steps are taken. Imposition of a ban may be necessary, particularly in circumstances where the school may be unable to ascertain the identity of all those who attend or adequately control the spontaneous behaviour of parents/carers. Some schools which have banned photography and videoing by parents have a school photographer and cameraman producing souvenirs which are then available to all those involved in the performance at a modest cost, in the same way as the traditional school class photograph, the funds from which go into additional resources for the school. This would be acceptable in relation to the Data Protection Act as the children's names would not be associated with their images and it would still be for the personal use of those involved. These videos or photographs should not be resold or used for other purposes such as newspapers or media

coverage. Governors could be asked/told of this proposal to have one set of photographs and/or video recorded and minute that formally with the reasons given in their next meeting. Many parents however would consider it to be overcautious and unreasonable to impose such a ban for a class nativity play or assembly.

Recommended Good Practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure

Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance;

- Photos taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the Act.

Examples

Personal Use:

- A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.

Official School Use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This is unlikely to be personal data and the Act wouldn't apply.

Media Use:

- A photograph is taken by the local newspaper of a school awards ceremony. This is unlikely to be covered by the Act. Even if it were covered, personal data processed for journalistic purposes are exempt from the main provisions of the Act. However, as there may be concerns in individual cases about pictures appearing in the press, it would be good practice for schools to advise people that the press will be attending certain events.

Safeguarding Concerns

Recording Images of Young People

There have been concerns about the risks posed directly and indirectly to young people through the use of photographs on websites and other publications.

Therefore, the following guidelines are suggested:

- All young people featured in photographs/recordings must be appropriately dressed, a minimum of vest/shirt and shorts.
- The recording should ideally focus on the activity. Where possible, images of children/young people should be recorded in small groups (the group may comprise any combination of adults and children).
- Staff should be allowed to use video equipment as a legitimate learning aid and means of recording special occasions. However, care should be taken in the dissemination and storage of the material.
- Try to take photographs that represent the diverse range of youngsters participating safely in activities. This might include:
 - Boys and Girls
 - Young people from minority ethnic communities
 - A range of clothing, eg tracksuit/jogging trousers
 - Girls with hair covered – a baseball cap will do
 - Disabled people
 - Glasses – okay if not actually playing at the time.
 - Shin pads must be on if they are recorded playing.
 - Jewellery should be off in all images.

Use of Photographic/Filming Equipment by Parents and Spectators

If parents or other spectators are intending to photograph or video at an event they should also be made aware the expectations:

- Parents and spectators should be prepared to identify themselves, if requested, and state their purpose for photography/filming.

In addition:

Participants and parents should be informed that if they have concerns about inappropriate or intrusive photography/filming, these should be reported to the event

- Organiser or official and recorded in the same manner as any other child protection concern.
- Event organisers should approach and challenge any person taking photographs who has not made his/herself known and/or registered with them. They might need to refer it to the local police force if this person continues to record images unauthorised.

Publishing Images of Young People

- If a photograph/recording is used, personal details of young people such as email address, home address and telephone numbers should not be revealed.
- Ask for parental/guardian permission to use an image of young person. Parents/carers are aware of the way the image of their child is representing. Parents/guardians have opportunity to opt out of this.
- Ask for the young person's permission to use their image. This ensures that they are aware of the way the image is to be used. A Parent/Guardian and Young Person Permission Form is the best way of achieving this.
- Where a story concerns an individual (eg their selection for representative side, triumph over adversity), particular attention should be paid to ensuring permission is gained from a parent/guardian and the young person to use a photograph/recording and relevant details.
- In order to guard against the possibility of a young person under a court order appearing on a website, the simultaneous streaming of images onto a website is not recommended. Delayed streaming also provides an opportunity for the editing of inappropriate clips (eg disarranged clothing).
- Think about the level of consideration that you give to the use of images in all publications, eg the processes used in choosing photographs for a publicity brochure for the club. Apply an increased level of consideration to the images of youngsters used on websites. Simple technology features such as watermarking may dissuade third parties from using or attempting to access controlled imagery.

Summary

Protecting the welfare of young people is about putting in place the best possible practices and procedures; this will protect not only young people but also the adults involved.

Parental Consent

It is recommended that where a school is to permit photographs or videos of any school event or pupil that any images taken must be for personal use only. Any images must not be placed on the web/internet.

Recording or photography other than for private use would require the consent of all the parents whose children may be included in the images.

This may be done in two ways;

- a) Specific consent from parents using a signed consent form. An example of a parental consent form and notes for parents is attached at Appendix 1.
- b) Placing a clear policy statement in the school's prospectus which outlines when, where and who can take photos or video and stating

to clearly that if the parent does not want their child to be involved in the production of images they are asked to inform the school, ideally in writing.

Attached at Appendix 2 is a leaflet on the subject designed for parents help schools planning for large school events, i.e. plays, sports day, etc.

APPENDIX 1: EXEMPLAR PARENTAL CONSENT FORM

To: Name of the child's
Parent(s) or Guardian: _____

Name of child: _____

School: _____

Occasionally, we may take photographs of the children at our school. These images may be used in our school prospectus, in other printed publications that we produce, on our school website, or on project display boards in school. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use.

Occasionally our school may be visited by the media who will take photographs or film footage of a high profile event, or to celebrate a particular achievement. Pupils will often appear in these images, which may appear in local or national newspapers or on televised news programmes. **(See over/Conditions of Use for more information on use of images by the media).**

In order that we can protect your child's interests, and to comply with the Data Protection Act 1998, **please read the Conditions of Use on the back of this form before answering questions 1-4 below and signing and dating this form. Please return the completed form (one for each child) to school as soon as possible.**

(Please tick)

1. May we use your child's photograph in the School prospectus and other printed publications that we produce for promotional purposes, or on project display boards, etc? Yes No
2. May we use your child's image on our school Website? Yes No
3. May we record your child's image on video? Yes No
4. May we allow your child to appear in the media as part of school's involvement in an event?
(Please note conditions of use on the back of this form). Yes No

I have read and understand the conditions of use attached to this form.

Parent's or Guardian's signature: _____

Name (block capitals please): _____

Date: _____

CONDITIONS OF USE

1. This form is valid for *for the period of time your child attends this school/*for this project only. Your consent will automatically expire after this time. (***Please delete the option which does not apply***).
2. The school will not re-use any photographs or recordings *after your child leaves this school/*after this project is completed without further consent being sought.
3. The school will not use the personal details or full names (which means first name **and** surname) of any child or adult in a photographic image, on video, on our website, in the school prospectus or in any of our other printed publications.
4. The school will not include personal e-mail or postal addresses or telephone or fax numbers on video, on our website, in our school prospectus or in other printed publications.
5. If we use photographs of individual pupils, we will not use the full name of that child in any accompanying text or caption.
6. If we use the full name of a pupil in text, we will not use a photograph of that child to accompany the article.
7. We may include pictures of pupils and teachers that have been drawn by pupils. We may use group or class photographs or footage with very general labels, such as 'a science lesson'.
8. We will only use images of pupils who are suitable dressed.
9. Parents should not that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.

Notes on Use of Images by the Media

If you give permission for a child's image to be used by the media then you should be aware that:

- The media will want to use any printed or broadcast media pictures that they take alongside the relevant story;
- It is likely that they will wish to publish the child's name, age and the school name in the caption for the picture (possible exceptions to this are large group or team photographs);
- It is possible that the newspaper will re-publish the story on their website, or distribute it more widely to other newspapers or media organisations.

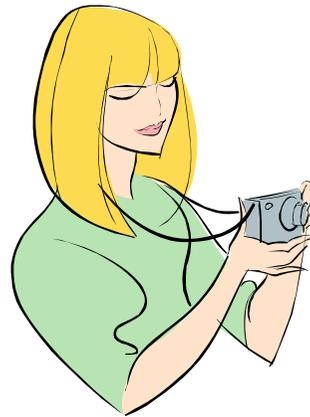
If you have any queries you should speak to a member of school

APPENDIX 2

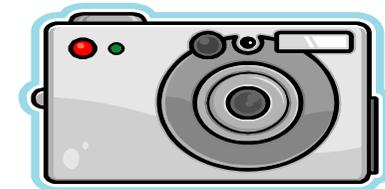
Information

A Guide for Parent(s)/Carers(s)

- If using a video camera during assemblies/school performances you might be asked by the school to sit at the back of the room, to prevent obscuring other people's view.
- The school might ask you not to use your own video camera but offer you the opportunity to purchase a school video recording of the event.
- The school might ask you not to use your own camera but offer you the opportunity to purchase copies of school photographs of the event.



This leaflet has been produced to help parents, schools and the LA to protect their children.



On the permitted use of video equipment or cameras in schools

There will be occasions during the school year where you will wish to take photographs or make a video recording of your child or children taking part in a school activity.

Schools should take practical steps to ensure that pictures and images taken of children are done so in a way that reflects the protective ethos of the school.

In order to do so, schools need to ensure that parental use of photography and video is monitored and protected for the benefit of children and their parents.



You might be asked by your child/ children's school to do one or more of the following:

- You might be asked to sign giving permission for your child to be photographed during school activities.
- You could be asked to sign a section of the school's admission form to indicate that any images (photographic or video) that you take will not be used inappropriately.
- You might be asked to sign a returnable slip on any invitation letters to school events to indicate that any

images (photographic or video) you take will not be used inappropriately.

- You could be informed by the school that photography/video recording will only be allowed in designated areas. For example, in the main school hall where the assembly or performance is taking place



