



THE WEST GRANTHAM
ACADEMIES TRUST

MANAGING THE SAFE USE OF CHILDREN'S PHOTOGRAPHS

INTRODUCTION

Schools need and welcome 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 student 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 and subject to legislation. The West Grantham Academies Trust respect the students' and their parents' rights of privacy and are aware of potential child protection issues.

The West Grantham Academies Trust believes in the need to balance potential risks against the advantages of promoting the school in a colourful and attractive way. Risk to children particularly, but also to anyone identifiable in a photograph, can be minimised by following this policy and in securing appropriate consent for the use of photographs.

KEY POINTS

Staff should:

- Be clear about the purpose of any photographs being taken or videos being made and what will happen to the images when the activity is concluded
- Be able to justify images of children in their possession
- Avoid making images in one to one situations or which show an individual child with no surrounding context
- Ensure the child/young person understands why the images are being taken and has agreed to the activity and that they are appropriately dressed
- Only use equipment provided or authorised by the school
- Report any concerns about any inappropriate or intrusive photographs found
- Always make sure they have parental permission to take and/or display photographs or make and show videos

Staff **should not**:

- Display or distribute images of children unless they have consent to do so from parents/carers
- Use images which may cause distress
- Use personal mobile phones or any other similar devices to take images or make films of children
- Take images or make films 'in secret' or in situations that may be construed as being secretive

It is recommended that:

- If a photograph or video is used, avoid naming the student
- If a student is named in a publication or video, avoid using their image
- Schools should establish whether an image or film will be retained for further use
- Images or films should be stored securely and only used by those authorised to do so

CHILD PROTECTION ISSUES

Risk may occur when individual students can be identified in photographs. Providing the name and photograph of a student in a publication or on a website allows the possibility of people outside the school identifying and then contacting students directly. It is worth remembering that the school logo on a shirt or jumper, if it can be read easily, could help identify an individual student.

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.

Any use of inappropriate images should be reported to the Headteacher in the same way as you would for any other child protection issue who would inform the school's Child Protection Officer and Social Services and/or the Police.

The Headteacher will decide whether the publication of a photograph might pose a risk to a child.

DATA PROTECTION ACT

The West Grantham Academies Trust acknowledge that photographs and video images of students and staff are classed as personal data under the terms of the Data Protection Act 1998 and that using such images for Academy publicity purposes will require the consent of either the individual concerned or in the case of students, their parents or legal guardians. The West Grantham Academies Trust will not display images of students or staff on websites, or in publications or in a public place without such consent. The definition of a public place includes where visitors to the Academy have access.

Permission will be sought from all the people who will appear in the photograph, video or web cam image before the footage is recorded. That means adults as well as children.

Any request for consent for the use of photographs will make it clear why that person's image is being used, what it will be used for, who might want to look at the pictures and for how long images will be retained. This is addressed in the 'Consent Form for the Safe Use of Photographs/Video Recordings in School'.

If images are taken at an event attended by large crowds, this is regarded as a public area so you do not need to get the permission of everyone in a crowd shot. However, if any individuals are easily identifiable in the foreground, you should get their consent before using it.

APPROPRIATE USE OF IMAGES IN SCHOOL PUBLICITY MATERIAL

Always ensure that parental/legal guardian consent is obtained prior to any photograph or image being taken for the academy's own publicity purposes.

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 students are partly or wholly turned away from the camera. However, this approach can produce very dull photographs that will not promote the academy very successfully. A more positive approach is to follow the rules 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 Academy.

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 student.

NEWSPAPERS

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

For photographs of larger groups it is sufficient to simply state year from whichever academy. For smaller groups eg teams, where individual names may be requested, it is essential that parental consent be obtained.

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
- Students 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 and the Academy is specific about the purpose for which the information is requested. If The West Grantham Academies Trust have any concerns regarding the use of photographs by the press, they should contact the Press Complaints Commission.

Parental consent for newspaper publicity photographs is absolutely 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.

Parent and any other spectators should let the event organiser know if they wish to use photographic equipment. The Academy must then give permission and all parents are informed that filming will take place. 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. Anyone filming outside the designated area should be challenged and asked to follow the academy policy or leave the premises.

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 the children and parent know that the 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 any concern regarding the use of filmed images by TV companies, they should contact the Office of Communications (Ofcom) and seek legal advice.

CAMERA PHONES IN THE ACADEMY

Concerns have been expressed about the risks posed directly and indirectly to children and young people through the use of camera phones on school premises.

The most recent reservations surrounding camera phones have been over the safety, security and well being of children, whether they are users or victims of the technology.

The risks with camera phones are:

- They are very small and can be used without the subject knowing, and in areas such as changing rooms
- They can be used to bully other children
- They can be used to cheat in tests, exams etc
- It is not obvious a picture is being taken
- Visitors to schools do not have to declare they are carrying one
- Once an image is taken it can be modified and misused
- No flash is given off

At present there is no set law or guidance concerning camera phones as the technology has developed so quickly.