

# ST MICHAEL IN THE HAMLET PRIMARY SCHOOL

Our school is a Rights Respecting School whereby all respect the United Nations Convention on the rights of the child and the responsibilities that come with those rights.

## SAFE USE OF IMAGES - A POLICY FOR SCHOOL (2018 - 2019)

### **Background:**

Increasingly, technology is making it easier to use pictures and images in news media, printed materials or on the web. Along with this increased freedom comes the responsibility to ensure that individual and parental rights are respected, and that vulnerable individuals are protected from risk or exploitation.

This document is intended to provide a clear and consistent approach that will be understood and accepted by all involved, and will ensure there is proper regard to the law and the protection of vulnerable individuals.

Throughout the document, photographs (both digital and film) and video are referred to as images.

### **CONTEXT - SCHOOL USE OF IMAGES:**

In school, we often take photographs of the children doing a range of activities and the children use the digital cameras as part of their work. Photographs are displays in classes and about the school, and class books are made of interesting activities and events. Photographs can be used for record keeping and assessment. Photographs may be used in desk-top publishing on the school's secure Intranet.

All these uses are part of the broad school curriculum. The photographs are not used outside the school community and we do not seek specific permission for this curriculum use.

We also take photographs for wider audiences e.g. class and group photographs sold to parents; the school brochure. Occasionally, the local press will accept photographs of special events and occasions. For these wider purposes we do seek the permission of parents and guardians.

## **THE LEGAL FRAMEWORK:**

The 1998 Data Protection Act now covers the use of images and there is common law and case law about the age at which young people can give consent. Data Protection Act: Data Protection provisions mean that great care is needed about the use of old photographs or any sort of stored image for a new purpose. The express permission of the individuals in the image is needed.

### **Common Law and Case Law:**

Common law holds that a child lacks the legal capacity to give a valid consent and that capacity is generally vested in the parent or guardian of the child.

There is case law about when a young person has the capacity to give consent, but for practical purposes it should be regarded as being the age of 18.

**Children in Care:** When a child is in the care of the local authority the Borough Council's communications team or the social services will always be contacted.

## **GAINING VALID CONSENT:**

The written consent of the parent or guardian will be sought before images of children and young people are published. Sufficient information will be given to parents and guardians so that the consent can be based upon a full clear understanding of what the images will, and will not be used for.

Consent will normally be sought in advance. Particular care will be taken concerning the use of pictures taken during PE or swimming. Where possible, separate parental consent in writing will be sought for the use of such images.

## **Blanket Consent:**

At the start of each school year we will ask parents to consent to images of their children being taken in the year ahead.

For children who join the school other than at the beginning of the school year, the consent letter will be included with the admissions pack.

Blanket consent cannot cover all eventualities e.g. parents might object to their children appearing alongside a visiting politician or celebrity. The school will seek to gain additional consent for the use of images outside the normal range of school use.

## **RENEWAL AND OPPORTUNITIES TO WITHDRAW:**

Reasons for the giving and the with-holding of consent will change with time. A regular reminder, in routine communications with parents, will give parents and guardians the opportunity to change this general consent.

### **WHERE CONSENT IS NOT POSSIBLE:**

Where there is not opportunity to gain consent e.g if the media want to film or photograph in school at very short notice, the school will endeavour to arrange shots which do not identify individual pupils.

### **CARE PLANS:**

In certain circumstances photographs are used in school to identify children who have urgent medical needs. Parents of the children concerned know that the Care Plan contains photographs and are available to those who need to know what action to take in a medical emergency. No permission is sought for this use of images.

### **NAMING CHILDREN:**

Unless there is a particular reason for a child to be named e.g. a prize winner, the children in a photograph will not be named. They will be identified simply as 'children from ClassXX/YearX, or by first name only - John in Yr X'. Addresses or other contact details will not be supplied or published.

### **RE-USING OLD IMAGES:**

Problems can arise when images taken for one purpose are later used for something different. For images other than those covered by in date blanket consent the school will seek new permission when there is new use of images. Where possible, new images will be used.

### **FILMING AND PHOTOGRAPH BY PARENTS.**

In order that the school is able to meet the decisions made by individual families concerning images taken of their children, photography at school events will be monitored and those children withdrawn as relevant.

### **PORTRAIT PHOTOGRAPHY IN SCHOOL:**

From time to time professional photographers come into school to take portraits of individual children, groups or classes. These photographs are then offered for sale to parents.

This is an arrangement between the photographer and the parents. The school facilitates the arrangement, but cannot be responsible for issues of copyright or use of the images held by the photographer.

#### **The school will:**

Ensure that only bona fides photographers are allowed to photograph in school. Advise parents when a photographer is coming to school so that parents are able to withdraw their children if they wish. Unless children are specifically

withdrawn from this photography, the school will assume that the blanket consent applies.

#### **SENSITIVE ISSUES:**

If pictures are required for purposes that might be sensitive or controversial, the school will contact the LEA about using images from a photographic library.

#### **STORAGE OF IMAGES:**

Whether images are stored as photographs or electronically, the school we will ensure that they are secure so that they cannot be used without proper consent.

#### **MONITORING AND REVIEW**

The Curriculum and School Improvement Committee of the governing body will monitor this policy. This committee will report their findings and recommendations to the full governing body as necessary, if the policy appears to need modification. The curriculum committee takes into serious consideration any representation from parents about this policy and associated procedures.

**Reviewed October 2018**

**Next review date: October 2019**