

# CITY OF YORK SAFEGUARDING CHILDREN BOARD GUIDANCE

## The use of photographic images of children in schools

## Guidance for City of York Council Schools

### Introduction

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

Publicity surrounding concerns about such matters as whether to allow filming of school events has prompted us to advise that schools and LEA Services should have a policy about the use of photography.

In developing such a policy, Heads and Governors should open the issue for discussion with parents, to maintain trust in the parent school relationship, and to enable those parents with particular concerns to specify that they withhold their consent for whatever reason.

Children are usually abused by someone they know. We have taken the view 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 smart phones, as digital cameras would make banning difficult to impose and police.

Generally, photographs 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 Data Protection Act 1998 affects our use of photography. This is because an image of a child is personal data for the purpose of the Act, 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, we recommend that consent is sought when the pupil starts at the school, to last for the duration of their stay.

A signed consent form, as attached to this guidance, should be 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 are 'Looked After' schools must 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 for photographs or videos may not extend to website or webcam use, so it is important to check, when introducing such technology, the status of existing consent for pupils.

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, use general shots of classrooms or group activities rather than close up pictures of individual children. Consider the camera angle; photographs taken over the shoulder, or from behind are less identifiable.
- Use images of children in suitable dress, and take care photographing PE or swimming events to maintain modesty, using team tracksuits if appropriate for example.
- Remember to include images of children from different ethnic backgrounds in your communications wherever possible, and positive images of children with disabilities to promote your school as an inclusive community, and to comply with the Disability Discrimination Act.
- Logos or emblems on sweatshirts etc can identify children. Depending on the use to which the photograph will be put, consider 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 Department for Education (DfE) advise that where consent is unclear, if the pupil is named, avoid using their photograph. If the photograph is used, avoid naming the pupil.

We recommend that:

- You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the pupils' names, the year group, or the school.
- When **fully** naming pupils in any published text, whether in the school's brochure, website, or in the local press, avoid using their photograph, unless you have parental consent to do so.

## **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 you should check that the third party owns the copyright in the photograph and you should obtain their written or verbally recorded permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the Internet are also subject to copyright.

Third Parties will generally be under the same obligations as your school to obtain parental consent to the use and distribution of photographs. You should therefore ask the third party to guarantee to you 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**

There may be occasions where the press take photographs at your school of pupils. The consent form attached (PC2) attempts to highlight 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 your responsibility to parents and pupils, it is sensible to politely check that broadcasters and press photographers you may be chaperoning on your 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, it would be best to avoid using personal details or full names of any child in a

photograph. Follow the DfE advice above.

## **Videos**

You must have 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 Data Protection Act. Potential difficulties in this area could be avoided if the school adopts the policy of taking an official video of the event and making copies available to parents.

## **Websites**

This is an area that gives particular concern to parents because of the potential misuse of images. 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.

It is important to take care with identification, and to respect parental views on the use of any photography of children on a website.

## **Webcams**

The regulations for using webcams are similar to those for CCTV (closed-circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter the area, in order to consent to being viewed in this way. Children should be consulted and adults would need to consent as well as the parents of all the affected children.

In gaining consent, you must tell the person why the webcam is there, what you will use the images for, who might want to look at the pictures and what security measures are in place to protect access.

The DfE advice (July 2003) is that unless a webcam is a response to a specific threat or difficulty in relation to either crime or health and safety it may pose more difficulties for the school than it would actually resolve. If you want to use a webcam, we would advise careful parental, staff, and legal consultation.

## **Parental right to take photographs**

Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not, therefore, stop parents from taking photographs or making video recordings at school events, such as nativity 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 Data Protection Act 1998 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 you feel that this is appropriate. We believe, however, that many parents would consider it to be over-cautious to impose such a ban, denying them the opportunity to record key events in their child's life. As such we would not recommend this course of action. Should you wish to impose any such ban we would advise you to 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 your school do not have any opportunity to film covertly. Ask your staff to quiz anyone they do not recognise who is using a camera or video recorder at events and productions, and include this instruction in your consent form or any event tickets.

## **The storage of photographs**

Photographs must 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. It is essential that when considering such an activity schools undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken. Procedures should 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.

*Produced with thanks in particular to Hampshire County Council*

If you need any further information, please contact the City of York Safeguarding Children Board at West Office, YO1 6GA (01904 555695)

## Using Images of Children - PC1

**Date**

### Consent form for use by City of York Schools

To Name of the child's parent or guardian \_\_\_\_\_

Name of child: \_\_\_\_\_

School \_\_\_\_\_

This letter explains why we need to ask you for your consent to any photographs of your child while at school. When you have read the letter, you should fill in and return the form attached to let us know your wishes.

Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride, which we believe can enhance self-esteem for children and young people, and their families, and so are to be welcomed.

However, we live in an age in which digital technology has vastly increased the use, and potential misuse, of photography, and there has been publicity surrounding concern about the safety of filming school events, and about the risk of a child being identified by a photograph in the local press, and as a result being targeted for abuse.

On advice from the North Yorkshire Police, the City of York Council and The City of York Safeguarding Children Board, we have taken the view that the risk of a child being identified by a stranger is so small that, providing reasonable steps are in place in terms of school security, planning to ensure an appropriate photograph, and to protect the full name and contact details of children, the practice of photography for school events by families and the media, should continue. In any case, the widespread use of mobile telephones, as digital cameras would make banning virtually impossible to impose and police.

The DfE broad rule of thumb for schools is that 'if the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil'. For our own school publications, we will follow this advice for photographs to be used for circulation beyond the school. The press however like to reflect the local community by naming children who appear, and may decline to photograph events if this facility is denied to them.

We are mindful of the fact that for some families, there may be reasons why a child's identification is a matter of particular anxiety, and if you have special circumstances either now, or at any time in the future, which would affect or change your consent on this issue, you need to let your child's class teacher know.

If your child is old enough to express their own view, you may want to consult with them about the categories of consent, and we invite you to use this letter to explore their feelings about being photographed at school.

Please complete the form attached. Talk to the class teacher if you are unclear.

## Consent form for use by City of York schools

To Name of the child's  
parent or guardian:

Name of child:

School:

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

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

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child. Please answer questions 1 to 4 below, then sign and date the form where shown.

**PLEASE RETURN THE COMPLETED FORM TO THE SCHOOL AS SOON AS POSSIBLE.**

*Please circle your  
answer*

- |  |          |
|--|----------|
| 1. May we use your child's photograph (unidentified) in the school prospectus and other printed publications that we produce for promotional purposes?                                       | Yes / No |
| 2. May we use your child's image (unidentified) on our website?  | Yes / No |
| 3. May we record your child's image (unidentified) on video or webcam?   | Yes / No |
| 4. Do you consent to your child being photographed or filmed in press events agreed by the school?   | Yes / No |
| 5. Do you consent to your child's full name being published with a press photograph? (At the present time, some local newspapers will not agree to publish a photograph without a full name) | Yes / No |

*Please note that 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  
Please also note that the 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.

Parent's or guardian's  
signature:

Date:

Name (in block capitals):

## Conditions of school use

1. 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. It is your responsibility to let us know if you want to withdraw or change your agreement at any time.
2. 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, on our website, in our school prospectus or in any of our other printed publications.
3. We 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.
4. 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.
5. If we name a pupil in the text, we will not use a photograph of that child to accompany the article.
6. We may include pictures of pupils and teachers that have been drawn by the pupils.
7. We may use group or class photographs or footage with very general labels, such as “a science lesson” or “making Christmas decorations”.
8. We will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.
9. **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 Data Protection Act 1998 if we used our recordings for any wider purpose.

This form is produced with credit to Hampshire County Council for their original work