

# The Pathway Academy Trust



## Image Use Policy

Policy written by: Ruth Doughty, CEO

Agreed by the TPAT Board	3 October 2017
Review date	October 2018

**School Data Controller: Headteacher**

**School Designated Safeguarding Lead (DSL): see Safeguarding Policy**

**Governor with lead responsibility: see Safeguarding Policy**

## **Official use of Images/Videos of Children by the School/Setting**

### **Scope and aims of the policy**

- This policy seeks to ensure that images and videos taken within and by *TPAT schools* are taken and held legally and the required thought is given to safeguarding all members of the community.
- This policy applies to all staff including the governing body, teachers, support staff, external contractors, visitors, volunteers and other individuals who work for or provide services on behalf of the Trust (collectively referred to as 'staff' in this policy) as well as children and parents/carers.
- This policy must be read in conjunction with other relevant policies including (but not limited to) Safeguarding, Anti-Bullying, Behaviour, Acceptable Use Policies and relevant curriculum policies including Computing, Personal Social and Health Education (PSHE), Citizenship and Sex and Relationships Education (SRE).
- This policy applies to all images (including still and video content) taken by the schools.
- All images taken by the schools will be used in a manner respectful of the eight Data Protection Principles (Data Protection Act 1998). This means that images will be:
  - fairly and lawfully processed
  - processed for limited, specifically stated purposes only
  - used in a way that is adequate, relevant and not excessive
  - accurate and up to date
  - kept on file for no longer than is necessary
  - processed in line with an individual's legal rights
  - kept securely
  - adequately protected if transferred to other countries
- The Data Controller/DSL and SLT of each school is responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the school. This includes the management, implementation, monitoring and review of this policy.

### **Parental Consent**

- Written permission from parents or carers will always be obtained before images/videos of children are taken, used or published by the schools.
- Written parental consent will always be sought to take and use photographs offsite for professional, marketing and training purposes. This may be in addition to parental permission sought for onsite images.
- Written consent from parents will be kept by the setting where children's images are used for publicity purposes (such as brochures or publications), until the image is no longer in use.
- Parental permission will be sought on admission to the school.
- A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly.

### **Safety of Images and Videos**

- All images taken and processed by or on behalf of the school will take place using school provided equipment and devices.
- Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.

- All members of staff (including volunteers) will ensure that all images are available for scrutiny and will be able to justify any images in their possession.
- Images will not be kept for longer than is to be considered necessary. A designated member of staff (Data Controller or DSL) will ensure that all photographs are permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use.
- All images will remain on site at all times, unless prior explicit consent has been given by both Data Controller and DSL and the parent or carer of any child or young person captured in any photograph.
  - Should permission be given to take any images off site then all relevant details will to be recorded, for example who, what, when and why and data will be kept securely (e.g. with appropriate encryption).
- Any memory stick, CD or storage device containing images of children to be taken offsite for further work will be suitably encrypted and will be logged in and out by the Data Controller and/or DSL and this will be monitored to ensure that it is returned within the expected time scale.
- The Data Controller and/or DSL reserve the right to view any images taken and/or to withdraw or modify a member of staff's authorisation to take or make images at any time.
- Only official setting owned equipment (e.g. work provided digital or video cameras) will be used by staff to capture images of children for official purposes. Use of personal cameras by staff is prohibited at all times.
- Any apps, websites or third party companies used to share, host or access children's images will be risk assessed prior to use.
- The schools will ensure that images always are held in accordance with the Data Protection Act 1998 and suitable child protection requirements (if necessary) are in place.
- Photographs will be disposed of should they no longer be required. They will be returned to the parent or carer, deleted and wiped or shredded as appropriate. Copies will not to be taken of any images without relevant authority and consent from the Data Controller and/or DSL and the parent/carer.

### **Publication and sharing of images and videos**

- Images or videos that include children will be selected carefully for use e.g. only using images of children who are suitably dressed.
- Images or videos that include children will not provide material which could be reused.
- Children's full names will not be used on the website or other publication (e.g. newsletters, social media channels) in association with photographs or videos.
- The schools will not include any personal addresses, emails or telephone numbers on the website, in a prospectus or in other printed publications.

### **Safe Practice when taking images and videos**

- Careful consideration is given before involving very young or vulnerable children when taking photos or recordings, who may be unable to question why or how activities are taking place.
- The schools will discuss the use of images with children and young people in an age appropriate way.
- A child or young person's right not to be photographed is to be respected. Images will not be taken of any child or young person against their wishes.
- Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.

### **Use of Closed-Circuit Television (CCTV)**

- All areas which are covered by CCTV will be well signposted, and notifications are displayed so that individuals are advised before entering such vicinity.
- Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal.
- Regular auditing of any stored images will be undertaken by the Data Controller and/or DSL or other member of staff as designated by the management team.
- If cameras record activities taking place on the premises which are of a criminal nature or give any cause for concern, then information will be referred to the appropriate agency.
- CCTV cameras will be appropriately placed within the schools.

### **Use of Webcams**

- Parental consent will be obtained before webcams will be used within the setting environment for curriculum or educational purposes.
- All areas which are covered by webcams for security or safeguarding purposes will be well signposted, and notifications are displayed so that individuals are advised before entering such vicinity.
- Recordings will be retained for a limited time period only and for no longer than their intended purpose. This will generally be a maximum of 30 days. All recordings are to be erased before disposal.

### **Use of Images/Videos of Children by Others**

#### **Use of Photos/Videos by Parents/Carers**

- Parents/carers are permitted to take photographs or video footage of events for private use only.
- Parents/carers who are using photographic equipment must be mindful of others (including health and safety concerns) when making and taking images.
- The opportunity for parents/carers to take photographs and make videos can be reserved by the schools on health and safety grounds.
- Parents/carers are only permitted to take or make recording within designated areas of the schools. Photography is not permitted in sensitive areas such as changing room, toilets, swimming areas etc.
- The right to withdraw consent will be maintained and any photography or filming on site will be open to scrutiny at any time.
- Parents may contact the school's Data Controller/DSL to discuss any concerns regarding the use of images.
- Photos and videos taken by the schools and shared with parents should not be shared elsewhere (e.g. posted on social media site), to do so may breach intellectual property rights, data protection legislation and importantly may place members of the community at risk of harm.

#### **Use of Photos/Videos by Children**

- The schools will discuss and agree age appropriate acceptable use rules with children regarding the appropriate use of cameras, such as places children cannot take the camera (e.g. unsupervised areas, toilets etc.).
- The use of personal devices e.g. mobile phones, tablets, children's own digital cameras, is covered within the Online Safety Policy.
- All staff will be made aware of the Acceptable Use rules regarding children's use of cameras and will ensure that children are appropriately supervised when taking images for official or curriculum use.

- Members of staff will role model positive behaviour to the children by encouraging them to ask permission before they take any photos.
- Photos taken by children for official use will only be taken with parental consent and will be processed in accordance with the Data Protection Act 1998.
- Parents/carers will be made aware that children will be taking photos/videos of other children and will be informed how these images will be managed by the setting e.g. will be for internal use by the schools only (not shared online or via any website or social media tool).
- Photos taken by children for official use will be carefully controlled by the setting and will be checked carefully before sharing online or via digital screens.
- Still and video cameras provided for use by children and the images themselves will not be removed from the schools.

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

- Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper's (or other relevant media) requirements can be met.
- A written agreement will be sought between parents and carers and the press which will request that a pre-agreed and accepted amount of personal information (e.g. first names only) will be published along with images and videos.
- The identity of any press representative will be verified and access will only be permitted where the event is planned, and where press are to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.
- Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the setting is to be considered to have acted in good faith.

#### **Use of Professional Photographers**

- Professional photographers who are engaged to record any events will be prepared to work according to the terms of the Online Safety Policy.
- Photographers will sign an agreement which ensures compliance with the Data Protection Act and that images will only be used for a specific purpose, subject to parental consent.
- Photographers will not have unsupervised access to children and young people

# Appendix A:

## Children's Images: Frequently Asked Questions for Parents/Carers

### Why do we need a policy?

Schools, playgroups, nurseries and youth groups have always used photographs as a way of celebrating achievement or seeking publicity for fundraising etc. Families and children often derive great pleasure from seeing their loved ones in print or on a website. We want to ensure that everyone can continue to enjoy these activities safely. However parents/carers need to be aware that placing any identifying information in the public domain has risks and will need to understand these issues in order to give properly considered consent. It is important that parents/carers and schools/settings have the opportunity to fully consider the issues before any problems can arise.

### So what are the risks?

The most highly publicised and worrying risk is that a child who appears in the paper or on a web site may become of interest to a predatory sex offender. Locating people through the internet has become extremely easy, using widely available software, so if there is a picture and the name of a school/setting together with the name of the child then it could be quite easy to find out the child's address and even work out their likely route to school/setting. There are also other specific groups of children and families whose safety could be put at risk if identified e.g. families fleeing domestic abuse. To limit these potential risks, we will take appropriate steps, as outlined in the attached consent form, to safeguard children and the wider community.

### Isn't this just scaremongering?

Sadly not. We have had cases in Kent of families receiving unwelcome phone calls following appearances in the press. However this is rare so it is important to have a sense of proportion in these matters. Remember we want to celebrate success and achievement but parents must be aware of risks in order to make an informed decision.

### What about school/setting websites?

The same concerns apply to school/setting controlled online sites and there is an added concern that images of children may be copied directly from a site which can then be manipulated or changed by another person. Settings/schools can copy protect images and use lower quality images which means they cannot be usefully enlarged but this can be bypassed so must not be relied upon to keep images safe.

### I want to do my own recording of the school/setting play/event is this ok?

Taking pictures or recordings of your own children for your own personal use is ok. The difficulty arises when other children are also be filmed. It is important that we are all aware that some members of the community may be vulnerable and must not have their image shared online as they could be put at risk from harm. You may not always know who these people and we need everyone's support to protect the whole community. It's also important for us all to role model positive behaviour for children, so it might be a sensible idea to check first before posting any images online which contain other children than your own. Parents/carers should not copy images from the school/setting website without appropriate permission from the school/setting.

# Appendix B:

## Letter Template - Parental Consent for Images

### Dear Parent/carer

This letter explains why we will need to ask for your consent before we are able to take photographs of your child during their time at <school/setting name>.

Generally photographs are a source of pleasure and pride. We believe that the taking and use of photographs can enhance the self-esteem of children and their families and therefore is something to be welcomed and appreciated.

We may take photographs for a number of reasons whilst your child is with us, including:

- documenting and recording education activities
- recording their learning and development progress
- recording and celebrating special events and achievements

We will also encourage children to be active learners, and to become involved in using cameras themselves by taking photos of their surroundings, activities and of each other.

We do however recognise that with the increase use of technologies, particularly digitally and online, the potential for misuse has become greater and we understand that this can give rise to concern. We will therefore endeavour to put effective safeguards in place to protect children and young people by minimising risk.

We are mindful of the fact that some families may have reasons why protecting a child's identity is a matter of particular anxiety. If you have special circumstances either now or at any time in the future which would affect your position regarding consent, please let us know immediately in writing.

We have a specific policy regarding the use of images and also include the safe use of mobile phones and personal devices as part of our online safety policy, which you are welcome to view or take a copy of at any time.

To comply with the Data Protection Act 1988, we need your permission before we can photograph or make any recordings of your child. If your child is old enough to express their own view, you may want to consult with them about categories of consent, and we invite you to use this letter to explore their feelings about being photographed at the setting.

Please read and complete the attached forms and do not hesitate to contact me should you have any queries.

Yours sincerely,

Headteacher/Manager

# Appendix C:

## Template Parental Consent Form for Images

- This form is valid for the period of time your child attends <school/setting name>. The consent will automatically expire after this time. We will not re-use any photographs or recordings after your child leaves the school/setting without additional consent.
- We will not use the personal information or full names (which means first name and surname) of any child or adult in a photographic image or video on our website, online, in our prospectus or in any of our other printed publications.
- If we use photographs of individual children, then we will not use the full name of that child in the accompanying text or photo caption. If we name a child in any text then we will not use a photograph of that child to accompany the article.
- We may include pictures of children and staff that have been drawn by the children. We may use group photographs or footage with general labels. We will only use images of children who are suitably dressed.
- We will discuss the use of images with children in an age appropriate way and to role model positive behaviour.
- This consent can be withdrawn by parent/carer at any time by informing <school/setting name>in writing.

	Please Circle as Appropriate
May we use your child's photograph/image in displays around the school/setting?	Yes / No
May we record your child's image or use videos for assessments, monitoring or other educational uses within the school/ setting? These images or recordings will be used internally only. ( <b>Amend as appropriate e.g. if the setting uses tracking apps etc.</b> )	Yes / No
May we use your child's photograph/image in our prospectus and other printed publications that we produce for educational and promotional purposes?	Yes / No
May we use your child's image on our website or other electronic communications? ( <b>List examples e.g. the school/settings official Facebook page, YouTube channel</b> )	Yes / No
May we record your child's image on webcam for appropriate curriculum purposes?	Yes / No
Are you happy for your child to appear in the media e.g. if a newspaper photographer or television film crew attend an event organised by the setting?	Yes / No
Are you happy for the school to print images of your child electronically?	Yes / No

- I have read and understood the conditions of use and I am also aware of the following:
  - Websites can be viewed worldwide and not just in the United Kingdom where UK law applies.
  - The press are exempt from the Data Protection Act and may want to include the names and personal details of children and adults in the media.
- I/we will discuss the use of images with our child/ren to obtain their views, if appropriate.
- As the child's parents/guardians, we/I agree that if we/I take photographs or video recordings of our child/ren which include other children, then we will only use these for our personal use.

Name of Child:

Date:

Parent/Carer Name:

Parent/carer's signature:

Childs Signature (if appropriate):



# Appendix D:

## Template Group Activity Letter and Form

Dear Parent/Carer

We are staging a production/special event of on **xxxxxx**. We are sure some parents/carers would like to take photographs/videos of the production. As you know we have a policy in place with regards to the taking, making and use of images and you will have previously signed a consent form stating whether or not your child could be photographed. In circumstances, such as productions or special events, we request specific consent before photographs can be taken by a third party. If you wish to take photos at the production there is a strong possibility that other children will also be included within the picture. We therefore need to ensure all parents/carers who have children in the production are happy for photographs to be taken, and hence need to request their permission.

We all enjoy and treasure images of our family and friends; family events, holidays and events are moments we all like to capture in photos or on video. We now have the exciting dimension of adding our images and videos to our online social networks. This means that we can easily share our photos and video with family and friends. Whilst this can be very useful to all of us we must ensure we protect and safeguard all children and staff, including those who do not want to have their images stored online.

- Some children are at risk and **MUST NOT** have their image put online. Not all members of the community will know who they are.
  - Once posted and shared online any image or video can be copied and will stay online forever.
  - Some people do not want their images online for personal or religious reasons.
  - Some children and staff may have a complex family background which means that sharing their image online can have unforeseen consequences.
- Therefore in order to keep all members of the community safe we must all **'Think Before We Post'** Online

At **<school/setting name>**we are happy for parents and carers to take photos and video of events for personal use but we request that these images are not distributed or put online. This is to protect all members of the community. Please be aware that parents are not permitted 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 an event).

Should any parent/carers not agree with their child being photographed, we will consider alternative options including:

- restricting who is involved in the production/special event
- staging specific photograph opportunities

Photographs of setting productions are ones which parent/carers tend to treasure. We will therefore only prohibit the use of cameras and videos as a last resort. We hope you will support us in this.

We would, therefore, be very grateful if you would complete the slip at the bottom of this letter and return it to me by **(date)**.

Yours sincerely

Headteacher/Manager



# TPAT Guide to the Use of Images Online

## Using Images Safely and Responsibly

We all enjoy and treasure images of our family and friends; family events, holidays and events are moments we all like to capture in photos or on video. We now have the exciting dimension of adding our images and videos to our online social networks, such as Facebook, YouTube and many other websites. This means that we can easily share our photos and video with family and friends.

Whilst this can be very useful to all of us, we must ensure we protect and safeguard all children and staff, including those who do not want to have their images stored online.

### **What should we all think about before posting any images or video online and are there any risks?**

- Once posted and shared online any image or video can be copied and will stay online forever.
- Some children are at risk and **MUST NOT** have their image put online. Not all members of the community will know who they are.
- Some people do not want their images online for personal or religious reasons.
- Some children and staff may have a complex family background which means that sharing their image online can have unforeseen consequences.
- Therefore in order to keep all members of the community safe we must all **'Think Before We Post'** Online

**TPAT schools are happy for parents and carers to take photos and video of events for personal use but request that these images are not distributed or put online. This is to protect all members of the community.**

We thank you for your support

### **Further Information on the Use of Images and video:**

- Information Commissioner's Office: <https://ico.org.uk/for-organisations/education/>
- Think U Know: [www.thinkuknow.co.uk/parents](http://www.thinkuknow.co.uk/parents)
- Get Safe Online: [www.getsafeonline.org](http://www.getsafeonline.org)

Adapted from resources developed by the Hertfordshire Schools' e-Safety Team



## Appendix E:

# Template Consent form for using photographs of Staff

The school/setting would like to use your photograph for staff recognition purposes. These images will appear on our internal intranet and/or website ([link](#)). To comply with the Data Protection Act 1998, we need your permission to use photographs of you. Please answer the question below, then sign and date the form where shown. We will not use the images taken, or any other information you provide, for any other purpose.

**Please return the completed form, even if you have chosen not to give your consent, to (name of contact)**

Please circle  
your answer

May we use your image on our website?

- Website/Intranet, accessible by the setting only
- Website, viewable by anyone in the world.

**Yes / No**

**Yes / No**

*Please confirm that you have read and understand the conditions for use, and the notes relating to the eight principles of the Data Protection Act.*

- I have read and understood the conditions of use.
- I confirm that I understand publication of my picture on the setting website/intranet will mean that my picture will be viewable by those with access to the intranet alongside my job title and work contact details and consent to such processing of my personal data.
- I understand that if my picture and details are placed on the website that potentially this will be accessible by anyone in the world with internet access.

Name:

Signed:

Date:

### Conditions of use

1. This form is valid for (**Time frame details e.g. two years from the date of signing or for the time scale of a project only**). Your consent will automatically not apply to any other usage of the photos.
2. Images must only be used in circumstances where consent has been given. Signed consent must be given for images to appear on the intranet and/or website (which is viewable by potentially anyone), or they cannot be published in this way.
3. Under the 1998 Data Protection Act your rights include:
  - a) Your consent (to the publication of your photo) can be withdrawn at any time (principle 1 of the Act)
  - b) Your photo will not be used for any other purpose without your further consent (principle 2 of the Act)
  - c) Your personal data will be accurately maintained and kept up to date (principle 4 of the Act)
  - d) Publication of your photo will cease and all electronic copies will be deleted when you leave the setting (principle 5 of the Act)

## Useful Contacts

Kent County Council's e-Safety Guidance and Information for Education Settings:

[www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding/e-safety](http://www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding/e-safety)

Kent County Council's Access to Information Content

[www.kelsi.org.uk/school-management/data-and-reporting/access-to-information](http://www.kelsi.org.uk/school-management/data-and-reporting/access-to-information)

Kent County Council Education Safeguards Team Content:

[www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding](http://www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding)

ATL Help and Advice on CCTV and other surveillance:

[www.atl.org.uk/help-and-advice/school-and-college/CCTV.asp](http://www.atl.org.uk/help-and-advice/school-and-college/CCTV.asp)

ICO Code of Practise for CCTV:

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

ICO Sector Guide for Education:

[www.ico.gov.uk/for\\_organisations/sector\\_guides/education.aspx](http://www.ico.gov.uk/for_organisations/sector_guides/education.aspx)

ICO Information on Data Protection Act for Organisations:

[www.ico.gov.uk/for\\_organisations/data\\_protection.aspx](http://www.ico.gov.uk/for_organisations/data_protection.aspx)

United Kingdom's Copyright Licensing Agency: <http://www.cla.co.uk/>

International Federation of Reproduction Rights Organisation: <http://www.ifrro.org/>

## Acknowledgements

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Rebecca Avery, KCC; Michelle Hunt, KCC; Mike O’Connell, KCC

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