

Keir Hardie Primary School & Children's Centre



Use of Photographic Images of Children

Reviewed:	Spring 2022
Date of Next Review:	Spring 2024

Use of Photographic Images of Children

Introduction

Keir Hardie Primary School¹ welcomes positive publicity. Children's photographs add colour, life and interest to the school website and to articles promoting the school activities and initiatives. Making use of photographs for the school in publicity materials (in all forms) increases pupil motivation and staff morale and helps parents and the local community identify and celebrate the school's achievements.

The Governors and staff of the school recognise that photographs have to be used in a responsible way. We respect the children's and parents' rights of privacy and we are, as a community, very aware of any potential safeguarding and child protection issues. The aim of the school's policy is to minimise the risks in relation to the use of photographs in school publicity materials, on its website and in local newspapers. To this end, all parents will receive a copy of the policy and parental consent (Appendix 1) will be secured for the use of photographs and filming for all new children who join the school. Existing pupils have previously signed a basic consent form when admission interviews took place. To conform to new GDPR regulations, all existing staff and pupils will be re-issued with a consent form to gain explicit consent for the use of their image in publications.

GDPR

Photographs and video images of pupils and staff are classed as personal data under the terms of the GDPR. Therefore, using such images for publicity purposes will require the consent of either the individual concerned or, in the case of pupils, their legal guardians. This means that without the consent images of pupils or staff on websites, in publication or in a public place. The definition of a public place includes areas where visitors to the school have access.

Typical Uses of Photographs/Videos/Filming

- For assessment purposes.
- Learning skills and feedback
- Performing arts including dance and movement, concerts, drama performances, parent evenings, community events, assemblies.
- Sports days and sports fixtures and the use of photographic equipment by parents and carers and children from other schools.
- Media including newspapers and television
- Displays in the school of children's activities.
- Publications by the school and by Newham Council, including prospectus, website.
- School and Newham Council websites.
- Staff training and professional development activities.
- Recording events such as projects or grounds development.
- Video-based learning.
- School signage
- Site security/CCTV

¹ 'School' refers to KH Primary School and KH Children's Centre

Good Practice In Using Photographic Images

- Images are used only for their intended purpose
- Only images of children suitably dressed will be used
- In activities such as dance and gymnastics, the content of the photograph will focus on the activity and not on a particular child.
- No image of a child subject to a court order, or a vulnerable child, will be used.
- Images will be stored securely and used only by those authorised to do so
- Photographs of children who have left the school will not be used without additional consent and prior agreement.
- Ensure file names given to electronic images of children do not identify the child e.g. not Mary Jones.jpg
- Avoid images that only show a single child with no surrounding context of what they are learning or doing
- Photographs of three or four children are more likely to also include their learning context.
- Avoid naming young people. If one name is required then use the first name only where possible.
- Use photographs that represent the diversity of the young people participating
- Report any concerns relating to any inappropriate or intrusive photography to the headteacher.
- Remember the duty of care and challenge any inappropriate behaviour or language
- Do not use images that are likely to cause distress, upset or embarrassment.
- No use of mobile phones to take photos of children.
- No images of the children will be used on social networking sites.

Implementation

The implementation of the policy is the responsibility of all staff. The office administration team will manage the data regarding pupils without consent. The School Administrative Officer is responsible for updating the website photographs. The School Administrative Officer is responsible for updating the publicity materials. The school office will maintain a list of pupils who have not given consent for their photographs to be used. This information is shared with all staff members.

Websites

Web use can be of particular concern to parents and staff because of the potential misuse of images by paedophiles. With digital photography there is the remote possibility that images of children could be produced, manipulated and circulated without parents' or children's knowledge. The dual concern which follows such a risk is that children might be exploited and the school might be criticised or face legal action. Images on website can be made more difficult to copy by several measures – copy-protection, overlaying with a watermark or published in low definition.

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

Newspapers

- For all photographs, names will only be supplied if prior permission has been obtained on the consent form.
- Please note that some newspapers will refuse to publish photographs without a name and as such children may need to be omitted from these photographs (if permission not given).

- Pupils must not be approached or photographed whilst at school (or engaged in school activities outside school) without the photographer having confirmed with a member of staff that explicit consent has been given by the child's parent/legal guardian

Official School Photographs

Periodically the school invites an official photographer into school to take portrait photographs of individual children and/or class groups. The professional photographers are DBS checked and vetted before entering the school. Parents are asked to sign a consent form during their admission interview with regards to children being photographed by a professional photographer in school twice a year.

Parental Right to Take Photographs Etc.

Parents are not covered by the GDPR if they are taking photographs or making a video recording for their own private use. The regulations do not therefore stop parents from taking photographs or making video recordings at school events, such as concerts. However, the school reserves the right to refuse parents this opportunity for health and safety reasons, such as the excessive use of flashlight, bulky or noisy equipment.

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 GDPR would be breached. Parents will be reminded not to put images that involve children other than their own on internet or social media.

At Keir Hardie, all possible measures are taken to ensure that people with no connection with the school do not have an opportunity to film covertly. Staff need to be vigilant at events and productions and quiz anyone they do not recognise who is using a camera or video recorder.

Parents Evenings, Concerts, Presentations, Sport Events, Community Events

As these events take place in controlled, safe environments we recognise that parents, carers and family members wish to record events such as school plays, sports days etc. to celebrate their child's achievements. However, it is important that such records remain private and for their own personal use. Upon a child's admission to the school, parents will be asked to sign a photography consent form that acknowledges this.

Parental Consent

On admission of a pupil to the school, parents/carers will be asked to sign a photography consent form in relation to their child being photographed at school or during school events and if the school could use the images after the pupil has left. Parents are also asked to sign a consent form regarding use of their (the parents') image.

Responses to the photography consent form are collated and all staff are made aware of the results. It is important that staff familiarise themselves with this

information. If parents withhold consent for certain aspects of photography in relation to their child, this must be respected.

Teacher Training and Portfolios

During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images.

Displays in Schools

Still photographs shown on displays and video clips available during events and for teaching purposes children should depict children in an appropriate way. They should not display images of children in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained. The school will not use photographs or images likely to cause embarrassment. Permission will also be obtained during admission process for use of photographic images in school displays

Children Photographing Each Other

This practice can occur during offsite activities. Staff should maintain the supervision and management control. There may be incidents where children take inappropriate photographs, perhaps showing friends and other children inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's use of cameras and subsequent use of their images involved.

Camera Phones

Camera phones may be used at school events as outlined above. It is not acceptable for camera phones to be used under any other circumstances, and should a child bring a camera phone into school, it must be left at the front office at the beginning of the school day and collected at the end of the school day.

Storing and destroying media/images

Images will be kept securely and held by the school for the duration of the pupil's time at Keir Hardie, and then it will be either archived or destroyed depending on the parents' consent. The photography consent forms will be annually monitored by the Office Manager.

Images might also be kept to record a specific school event or memory.

When destroying media images, the school will ensure that the device used is either restored to factory settings, physically destroyed or uses software to overwrite the data. This will be actioned by the School Based Technician

Closed Circuit Television (CCTV)

At Keir Hardie CCTV is used:

- to monitor site security and safety
- for the personal safety of all staff, pupils, parents and visitors
- as a means of crime reduction and discovering trespass
- as an effective deterrent for crime

We ensure that the following conditions apply:

- Digital images stored on the computer hard drive for the designated periods only then erased
- The cameras in use are fixed wide angle lens

- Cameras are sighted to ensure no inappropriate use is possible.
- During school hours and out of school hours some recordings may show criminal or inappropriate activities taking place on the school site without the school's knowledge. If they are of a criminal nature the head teacher or member of the Senior Leadership Team may refer the information to the police
- Please refer to our CCTV Policy for more information on use of CCTV footage

Governing Body

The Governing Body should formally adopt these guidelines as policy and good practice.

Ensure that the child protection and/or health and safety governor are aware of and support the policies and procedures.



Inspiring Excellence

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Using Photographic Images of Children – Seeking Your Consent

Dear Parent or Guardian

This letter explains why we need to ask for your consent to any photographs that may be taken of your child while he or she is at school. When you have read it, please complete and return the form overleaf to let us know your wishes. Generally, photographs of children for school and family use, and occasionally for publication in the local Press and the school website, are a source of pleasure and pride and so are to be welcomed. However, we live in an age in which technology has vastly increased the use, and potential misuse, of photographs. The Governors at Keir Hardie Primary School believe that photography of children at the school should continue, in line with the policy set out below.

The School's Policy

All children are photographed as part of day to day teaching and learning. For all other photographs, our policy is to follow the Department for Education and Skills (DfES) advice: "If the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil." So we will **not** use children's full names alongside their photographs in the school's own printed publications or in video films.

With regard to the Press, the school **will** allow local newspapers to take photographs of children, when appropriate, provided that parental consent has been given. Some newspapers insist that children's names must be published with their photographs. If not, they may decline to cover school events. Therefore we will normally give the children's full names (but not addresses) to newspapers. It is important for you to tell us your views. The school will not allow your child to be photographed by the Press if you do not wish this. (Please note that the school will seek an undertaking that a child's name will not be used if their image is put on the newspaper's own website.) Although it is fairly rare for television companies to visit the school, your consent for newspaper photographs would also apply to television images. Please complete and return the attached form. If you would like to discuss these matters in more detail, please talk to the school office. If in the future you should wish to change your decision on whether to give consent, you can do so at any time.

A full copy of the school policy on the safe use of children's photographs may be obtained on request from the school office.

Ms V Otieno
Headteacher

KEIR HARDIE PRIMARY SCHOOL

‘Use Your Camera and Video Courteously’

A guide for parents who wish to photograph and/or video a school event

- Generally photographs and videos for school and family use are a source of innocent pleasure and pride which can enhance self-esteem for children and young people and their families. By following some simple guidelines we can proceed safely and with regard to the Law.
- Remember that parents and carers attend school events at the invitation of the head and governors.
- The head and governors have the responsibility to decide if photography and videoing of school performances/events is permitted.
- The head and governors have the responsibility to decide the conditions that will apply in order that children are kept safe and that the performance is not disrupted and children and staff not distracted.
- Parents and carers can use photographs and videos taken at a school event for their own personal use only. This is a requirement in Law. The GDPR considers an image of a child to be personal data and does not permit such photos or videos to be sold, put on public display or to be put on the web/internet. (Recording or photographing other than for private use would require the consent of all the other parents whose children may be included in the images.)
- Parents and carers must follow guidance from staff as to when photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and carers must not photograph or video children changing for performances or events.
- When permitted, family and carers are the appropriate people to use a camera or video recorder at school events. To avoid embarrassment, please do not ask anyone else to take photographs or make recordings on your behalf and please identify to staff in advance any family member whom staff may not recognise.
- People that school staff do not recognise using a camera or video recorder, may need to have their identity verified.

Keir Hardie Primary School

Consent and Consent Withdrawal Procedure



Overview

All personal data under the General Data Protection Regulation (GDPR) must be lawfully processed. Consent is a legal basis which can be used to ensure that personal data is lawfully processed. However, the use of consent is onerous and wherever possible an alternative legal basis should be sought. The School may be required to seek consent from Data Subjects which include staff, parents/guardians and pupils.

Consent provides individuals with real choice and control over use of personal data. Genuine consent puts individuals in charge, builds customer trust and engagement, and enhances reputation.

The GDPR provides five other ways of processing data that may be more appropriate than consent particularly in the education sector. It is unlikely that consent will be used for curricular activities as sufficient statutory powers exist which provide a more suitable legal basis.

Data subjects have the specific right to withdraw consent. The school are required to inform data subjects about their right to withdraw, and offer them easy ways to withdraw consent at any time.

Responsibilities

The School (as a data controller) is responsible for requesting, recording and managing consent which includes processing withdrawal of consent from data subjects.

Consent Procedure

The School shall be able to demonstrate that the data subject has given explicit consent to the processing of his or her personal data.

Wherever consent is requested, clear, plain language that is easy to understand will be used. Data subjects will be required to positively opt in (pre ticked 'opt out' boxes will not be used).

Requesting consent

Consent must be freely given and the data subject must have a genuine choice as to whether or not they wish to provide their personal data. For example a staff noticeboard with photographs is not essential for the running of the school and therefore consent is likely to be required.

Extra Curricular activities which require the use of personal data (such as school photographs, after school Clubs) are likely to require written consent as there is unlikely to be another legal basis which applies.

The School shall be able to demonstrate that reasonable efforts have been made to establish the authenticity of the parental responsibility.

Recording consent

The school will be responsible for keeping records of how and when consent was obtained. Records of consent and privacy notices which were provided should be retained for the duration of the processing activity. See Appendix 1 for an example pupil consent form.

Managing consent

The school will regularly review records of consent to ensure that they remain relevant and up-to-date. If the consent held by the school is no longer relevant, re consent will be sought at the appropriate time.

Withdrawal of consent

The school will ensure that individuals are able to withdraw their consent at any time and ensure that requests are promptly processed. See Appendix 2 for a Consent Withdrawal Form. Data subjects who choose to withdraw consent will not be penalised in any way.

Compliance

All staff are expected to comply with the School's policies to the highest standards. If employee is found to have breached this policy, they may be subject to the School discipline procedure. If a criminal offence is considered to have been committed, further action assist in the prosecution of the offender(s).



Keir Hardie Pupil consent form

Child's name:

At Keir Hardie, we sometimes take photographs of pupils. We use these photos in the school's prospectus, on the school's website and on display boards around school. We may also make video or webcam recordings for use by the school. This will always be done using approved school equipment.

Occasionally, the school may be visited by the local newspaper to take photographs or film an event at the school. Pupils will sometimes appear in these images, which may be published in the local newspaper.

We would like your consent to take photos of your child, and use them in the ways described above. If you're not happy for us to do this, that's no problem – we will accommodate your preferences.

To comply with the GDPR, we need your consent to photograph or make any recordings of your child and to use them for display.

Please tick the relevant box(es) below and return this form to school

- | | |
|--|--------------------------|
| I am happy for the school to take photographs of my child | <input type="checkbox"/> |
| I am happy for photos of my child to be used on the school website | <input type="checkbox"/> |
| I am happy for photos of my child to be used in the school prospectus | <input type="checkbox"/> |
| I am happy for photos of my child to be used in internal displays | <input type="checkbox"/> |
| I am happy for photos of my child to be used by local media/external agencies | <input type="checkbox"/> |
| I am happy for video and webcam recordings to be used on the school screens | <input type="checkbox"/> |
| I am happy for Social media e.g twitter feed | <input type="checkbox"/> |
| Can we identify your child using their first name only? | <input type="checkbox"/> |
| I am NOT happy for the school to take or use photos, video and webcam of my child | <input type="checkbox"/> |

If you change your mind at any time and want to withdraw consent, you can let us know by emailing info@keirhardie.newham.sch.uk, calling the school on 0207 476 1284 or just popping in to the school office

If you have any other questions, please get in touch.

We really value using photos and videos of pupils, to be able to showcase what pupils do in school and show what life at our school is like to others, so we would appreciate you taking the time to give consent.

My decision on whether to give consent will remain valid throughout my child's time at the school and thereafter, unless I notify the school to the contrary in writing.

I also agree that if I or a member of my family take photographs or video recordings at a school event, they will be kept for private family use only, and will not be used for commercial purposes or put on public display including websites and social networks such as Facebook.

Parent or guardian's signature: _____

Please print name: _____

Date:_____



PHOTOGRAPHY CONSENT FORM FOR PARENTS

I understand that Keir Hardie Primary School may wish to use photography or film footage featuring my image both on internal screens and online when showing events or activities in school during which there is parental involvement.

I give consent to the use of my photography as described above.....☐

I do not consent to the use of my photography as described above....☐

Signature:

.....

Name

(CAPITALS):.....

....

Child's Name & Class

Date:

.....

....

Example Consent Withdrawal Form

I withdraw consent to process personal data relating to.....
from Keir Hardie Primary School I no longer give my consent to process personal
data for the purpose of

.....
.....
.....
.....
.....
.....
.....

.....[List purposes, e.g. Photograph on website], which was previously granted.

If you wish to withdraw all consent for personal data, please tick here

☐

Signed.....

Date.....

Request Actioned by.....

Date: