



Your Gateway to Success
A personalised journey



Shevington High School

Photographs and Filmed Images of Children In School Policy

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SHEVINGTON HIGH SCHOOL

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Shevington High School's Vision

Together we have the highest expectations for all our students, inspiring and enabling them to become amazing and successful individuals. The Shevington Way is one of:



Shevington Standards

At Shevington High School in order to meet the school vision, Students and Adults are expected at all times to work hard to meet our *5 Shevington Standards* which we have set in order to promote respect and dignity for all. Our attitudes, systems and rules are drawn from and support these standards. They are:-

1. We will show respect for each other at all times
2. We will show respect for School property and another person's property at all times
3. We will show respect for ourselves and others by ensuring that our actions do not put at risk the health and safety of ourselves or others
4. We will show respect for ourselves and others by ensuring a high standard of personal appearance and organisation.
5. We will show respect for ourselves and others by supporting a positive climate for learning

Extracts taken from:

- *Wigan Council guidelines to inform a school policy on using photographs and filmed images of people in schools*
- *Guidance for safer working practice for adults who work with children 2015*

1) **INTRODUCTION**

This policy is about the use of images of people. The policy refers to both, still or moving images. The policy applies equally to film and digital cameras, webcams and camera phones.

Working with pupils may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and wellbeing of pupils.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them. Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings. It is not appropriate for adults to take photographs of children for their personal use.

In most cases, some form of permission is needed to take pictures of people. Care is needed with images where a person is clearly identifiable – either because the camera has focussed on them, or because they are obviously the subject of the image. Where people's faces are blurred or obscure, or they are one of a large group, it is not necessary to exercise the same caution.

All school and council employees are subject to the law. Though enforcement action is rare, some councils have been successfully prosecuted for their misuse of photographs. Anyone can also sue if they feel that the use of their personal information, including photographs of them, has caused them damage or distress. No member of council staff should use images without being sure they have consent to do so – no attempt to avoid inconvenience should leave a school or its employees open to enforcement action or civil claims.

2) **CONSENT**

A single consent form (A letter of notification) will be used, for the duration of your child's time at school, describing all uses of images that the school wishes to obtain consent for. 2 weeks from receipt of this information, the school will assume that it has consent to use images of children unless they have received a written instruction withholding consent.

3) **PRESS PHOTOGRAPHERS AND PUBLIC RELATIONS**

If the press are invited to attend a school event, we will agree in advance that they will identify themselves and respect the wishes if someone objects to having their picture taken (*see appendix 1*).

Where the press are invited into a school, the school is responsible for ensuring that they have consent from parents for children to be photographed.

4) **RECORDING IMAGES OF CHILDREN (UNDER 16s)**

Any filming or photography involving any of our children will be handled with sensitivity. No photography will happen inside school without the consent of the Headteacher.

4.1 CONSENT

- Children have the same right to refuse photography as adults.
- Children will only be photographed or filmed in appropriate clothing and settings.
- In general, children of 12 years or older are considered to be old enough to make their own decision about whether they want to be photographed, but their parents will be consulted.

4.2 INDIVIDUAL PICTURES

Photographs of a clearly identifiable child will always be covered by permission from that child's parents, or the child itself if it is aged 12 or over. This will be via the consent form, or individual permission if the consent form does not cover the circumstances. Verbal permission is enough for a small group.

4.3 SMALL GROUPS AND INDIVIDUALS.

When taking a picture of a small group or of an individual, consent will be sought – this can be verbal consent.

4.4 PHOTOGRAPHING GENERAL SCENES

Consent will not be sought to record images of large groups in public areas. Nevertheless, a photographer or camera crews on school premises will give those who do not want to be included a chance to move out of the shot if their face would be visible.

4.5 THE USE OF IMAGES ON NEWSLETTERS, WEBSITES AND SCHOOL SOCIAL MEDIA

Images will never be used on newsletters, websites or school social media if the result might be some damage or distress to the child or their family.

- The Christian name of a child may appear on a website or school social media picture caption if the picture is to illustrate a story about them or their achievements with specific parental permission.

5) RE-USING AND SHARING IMAGES

Images will not be used for anything other than the original reason for taking the image without renewed consent from the subject(s). Consent will not be assumed. Contact details will be obtained from the subjects of a photograph wherever possible.

Images will be kept securely and held for only as long as they are needed and used only by those authorised to do so.

6) COPYRIGHT

If the school employs a photographer to take images on the school's behalf, the school will wherever possible own the rights and retain copyright when the assignment is completed. The school will not agree to photographers from outside the school retaining copyright for images taken of school children, and negatives or electronic files will be returned to the school or destroyed once the images have been developed and supplied. Staff will take all reasonable steps to ensure that images taken in schools are not subsequently used or misused in a way that would offend or upset the people in those images.

7) IMAGES TAKEN BY TEACHERS AND OTHER STAFF

Under no circumstances should staff be expected to or allowed to use their personal equipment to take images of pupils at or on behalf of the school.

8) INVITED/END OF YEAR PHOTOGRAPHERS

Before allowing photographers into school, staff will ensure their suitability to take pictures of children. Anyone invited to a school to take photographs, for sale to parents will be subject to a criminal Records Bureau check. Photographers will also comply with the Data Protection Act and the school will verify that the photographer has provided a DP notification to the Information Commissioner.

The school does not own the pictures themselves. Any contract or agreement will be between the photographer and parents who are buying the pictures.

The photographer will provide an agreement explaining who owns copyright on the images and what will happen to the negatives, and making clear whether he/she wants to make any other use of the images. The school will be clear that they do not own copyright on the pictures and that the pictures are not part of the official educational record. The school is a venue for a transaction between parents and photographers.

9) CAMERA DEVICES / PHONES

Mobile phone/device misuse

Mobile phone misuse is not restricted to occurrences in school. It may involve misuse outside of school and can adversely affect other pupils and is taken very seriously.

Examples of misuse include:

- taking, transferring or storing inappropriate material
- harassment or bullying by phone or text
- uploading or downloading photographs or video footage taken in school.

If mobile device misuse outside school is found to be affecting pupils in school, the parents of the pupil(s) involved will be contacted and sanctions (e.g. removal of permission to bring mobile phone to school; exclusion) are likely to be applied.)

Where mobile devices are specifically mentioned in this policy they also cover smartphones and any equipment with audio and video recording functionality such as personal digital assistants, media recorders, digital cameras and MP3/4 players and smart watches

Other concerns include social networking or mobile blogging (the ability to update weblogs while on the move using mobile devices), with many young people posting content and images online of themselves and their friends. A key concern is the level of personal information young people are making available, particularly with regard to their whereabouts and daily routines.

Result of mobile device misuse

This policy on photographs and filmed images using mobile devices is clear and unequivocal. Breaches of the policy may lead to temporary confiscation of equipment, communication with parents and the imposition of other sanctions up to and including exclusion from school. In the most serious breaches, there may be a crime involved – an incident that is being filmed might be an assault or breach of the peace. In such cases, the matter would warrant being reported to the Police. The policy guidelines and associated information for parents and pupils constitute formal notification that appropriate action will be taken against those who are in breach.

Parents are asked to support this policy by ensuring their child does not bring a mobile phone to school except where this is genuinely necessary. This will reduce the temptation for the pupil to become involved in inappropriate use. It will also reduce the possibility of theft or loss of potentially expensive equipment and the potential for disruption of lessons. Pupils are not allowed to bring mobile electronic devices such as smart watches, with the capability to link to mobile phones and record images into school at any time.

If pupils choose - despite the above strong advice to all parents - to bring mobile phones into school, they will do so under the following limitations;

- all phones must be kept switched off and out of sight during the school day.
- in line with current practice, no pupil may take a mobile phone into a room or other area where examinations are being held

It follows that to photograph or video record staff or other pupils without their knowledge or permission will be regarded as serious misuse of a mobile phone (or any other audio or video recording equipment).

Bullying by the use of text or multimedia messaging is unacceptable, as are any other instances of inappropriate messaging or posts to social networking, chat or blogging sites.

Pupil discipline procedures and sanctions for breaches of this policy will apply to using phones or other forms of technology in schools contrary to the terms of this statement and, most seriously, to the covert recording of staff and pupils.

Teaching and support staff are entitled to confiscate equipment where this policy guidelines are breached including where the equipment is on view during lessons. Staff will be required to judge when the circumstances merit such action. Particular attention will be given to enforcing these policy guidelines when pupils are in areas such as toilets and changing rooms and any misuse occurring will be considered a particularly serious breach of this policy..

With respect to pupils entering PE/gym lessons in possession of mobile phones despite the strong advice not to bring them to school, it must be clear that staff will take no responsibility for the security of such items. With up to 30 mobile phones in a single class many of similar appearance and branding, procedures to secure these at the start of a lesson and ensure the safe return to the correct owner at the end would be onerous for staff.

Filming criminal activity of others, downloading/uploading or forwarding pornographic images might constitute illegal or criminal activity on the part of the mobile phone owner. Youth produced sexual imagery (previously described as 'sexting') is a matter of great complexity and as such is dealt with under a specific separate policy.

Head Teachers have the right to view files stored in confiscated equipment and will seek the cooperation of parents in deleting any files which are clear breaches of this policy before the equipment is returned to the pupil. If it is considered that an illegal activity may have taken place, the Head Teacher will consult the appropriate Head of Service on what action to take.

Confiscated equipment will be sent to the main office and will normally be returned at the end of the school day. In certain cases (e.g. repeated misuse), at the discretion of the Head Teacher, parents may be requested to come to the school to collect the equipment.

Equipment confiscated in following guidelines of this policy will be sent to and stored securely by the school office and return arranged by a member of the office at the end of a day.

Members of the school community who are subjected to - or who witness - any form of harassment by the misuse of mobile phones (and other audio or video recording equipment) should report the incident(s) to a member of the school's senior leadership team immediately.

This policy will be subject to regular review and updating in order to ensure that the personal safety of Shevington's children, young people and school staff is protected and that the learning environment is not disturbed by current or emerging mobile technologies.

10) SCHOOL EVENTS, CONCERTS AND PLAYS

Photographs can be considered personal data under the Data Protection Act 1998. We can remind parents to only film/ photograph their own child/children but the reality is that other children will appear in the background. The Information Commissioner's Office states photographs taken by parents at nativity plays do not breach the Data Protection Act so long as they are only for **personal use**. Digital video and images shared on Facebook, Youtube and other social networking sites would need the consent from the parents of all children in the photos. Parents and relatives are legally entitled to photograph or film concerts and events. Consent is not a legal requirement, as long as images are used for private or home use. The school's consent form will address the issue of photographs at school events. Also see APPENDIX 3.

APPENDIX 1

NOTES FOR PRESS PHOTOGRAPHERS ATTENDING SCHOOL EVENTS

The Data Protection Act 1988 gives people the right to be told who is using their personal data and what will happen to it. It also gives them the right to refuse to allow some information about themselves to be used without their permission. Photographs, especially close-up photographs that clearly identify an individual person, are considered to be personal data.

Members of the press are covered by an exemption called the "Special Purposes Exemption," which allows them to use information without permission in some circumstances. However, this exemption only applies where it would be impossible and unreasonable to follow the normal procedures for gathering and using personal information.

Press photographers do not need to ask for permission when taking pictures of large crowds, or of participants in a public ceremony like a prize-giving event, unveiling or speech.

Shevington High School does not wish to restrict or prevent press access to this event. However, we do expect press photographers to abide by these rules, to ensure that photographs are used properly. If images of people are used unfairly, or in ways, which cause offence or upset, it will damage the reputation of both the school and the news organisation concerned.

RULES

- **Photographers should wear an identifying badge or sticker so that people, especially parents, know that they are taking pictures for the press.**
- **When taking close-up photographs of children, you must check with their parents before doing so.**
- **When taking photographs of small, identifiable groups, you should explain what you are doing and give people who do not wish to be photographed the opportunity to move out of shot.**
- **If a person objects to a photograph that has already been taken, the photographer should respect their wishes and not use it.**

These rules amount to little more than ordinary courtesy. The school wishes to ensure that press photographers can attend school events without causing offence or upset to children or their parents.

APPENDIX 2

This information is included in the Information Booklet sent to all parents and is included in the pack distributed to all pupils to be signed by parents on admission via the Pupil information Sheet.

PHOTOGRAPHS AND FILMED IMAGES OF CHILDREN IN SCHOOL

Could you please read this carefully as it shows the basic details of the school's policy, which was adopted from the Wigan LA policy on using photographs and filmed images of children in school.

- **A single consent form (which is this notification)** will be used, for the duration of your child's time at school, describing all uses of images that the school wishes to obtain consent for.
- 2 weeks from receipt of this information, **the school will assume that it has consent to use images of children unless they have received a written instruction withholding consent.**
- Images will be stored on the School's Information Management System.
- If the press are invited to attend a school event, we will agree in advance that they will identify themselves and respect the wishes if someone objects to having their picture taken.
- Any filming or photography involving any of our children will be handled with sensitivity. No photography will happen inside school without the consent of the Headteacher.
- Images may be used on the website unless the parents have withheld consent .
- Images will not be used for anything other than the original reason for taking the image without renewed consent from parents.
- If the school employs a photographer to take images on the school's behalf, the school will wherever possible own the rights and retain copyright when the assignment is completed. The school will not agree to photographers from outside the school retaining copyright for images taken of school children, and negatives will be returned to the school or destroyed once the images have been developed and supplied. Staff will take all reasonable steps to ensure that images taken in schools are not subsequently used or misused in a way that would offend or upset the people in those images.
- Images taken by staff on behalf of the school should belong to the school. If the equipment and media belong to the staff member, they will understand that images taken in the course of schoolwork belong to the school.
- Before allowing photographers into school, staff will ensure their suitability to take pictures of children. Anyone invited to a school to take photographs, for sale to parents will be subject to a criminal Records Bureau check. The school does not own the pictures themselves. Any contract or agreement will be between the photographer and parents who are buying the pictures.
- Parents and relatives are legally entitled to photograph or film concerts and events. Consent is not a legal requirement, as long as images are used for private or home use. If you withhold consent then your child will not be able to take part in any school production as school allows photographs and films of concerts and events to take place.
 - ***Camera phones and other enabled emerging technologies such as smart watches must not be used in school by anyone eg: pupils, staff, governors, contractors, parents, visitors etc.***
 - ***Mobile phones are allowed in school but must always be switched off unless authorised by the classroom teacher. Pupils are not allowed to wear Smart watches in school.***
- The use of cameras or image recording devices of any kind is prohibited in the toilets or changing rooms in any part of the school building or facility.

If you do not give consent to the above please contact school in writing

Comments (not part of the policy)

There is no law against parents, relatives and friends taking pictures at a school event. There are almost no known cases of images taken in such circumstances being misused.

Schools are private property and so a Headteacher or Governing Body is entitled to ban photography on school premises. However, this will be an unpopular and potentially unfair decision, as it prevents parents from recording their children's achievements, in order to protect children from an unspecified risk that in any case is largely the product of media speculation and hype.

The recommended option is to allow some photographs or videos to be taken. Each school is responsible for finding the best way of achieving this. A total ban should only be considered where the majority of parents are in favour of such a ban.

11) CCTV

Schools will always use signs to indicate that CCTV cameras are in place. CCTV cameras will never be used in toilets, or changing facilities.

12) FURTHER INFORMATION

- If the school employs a photographer to take images on the school's behalf, the school will wherever possible own the rights and retain copyright when the assignment is completed. The school will not agree to photographers from outside the school retaining copyright for images taken of school children, and negatives will be returned to the school or destroyed once the images have been developed and supplied. Staff will take all reasonable steps to ensure that images taken in schools are not subsequently used or misused in a way that would offend or upset the people in those images.
- Images taken by staff on behalf of the school should belong to the school. Under no circumstances should staff be expected to or allowed to use their personal equipment to take images of pupils at or on behalf of the school.
- Before allowing photographers into school, staff will ensure their suitability to take pictures of children. Anyone invited to a school to take photographs, for sale to parents will be subject to a criminal Records Bureau check. The school does not own the pictures themselves. Any contract or agreement will be between the photographer and parents who are buying the pictures.
- The use of cameras or image recording devices of any kind is prohibited in the toilets or changing rooms in any part of the school building or facility.
- Parents and relatives are legally entitled to photograph or film concerts and events. Consent is not a legal requirement, as long as images are used for private or home use. If the reply slip at the end of the letter is returned stating that parents do not wish their child to be photographed then that child will not be able to take part in any school production as school allows photographs and films of concerts and events to take place.

- ***Cameras or camera devices must not be used in school by anyone eg: pupils, staff, governors, contractors, parents, visitors etc. unless it is a public event then they may be used by parents, pupils and visitors (see appendix)***
- ***Mobile phones are allowed in school but must always be switched off unless authorised by the classroom teacher.***
- ***Pupils are not allowed to wear smart watches in school***

APPENDIX 3

Guidance for Parents taking Photographs and filming at School Productions

Example Text for letters to parents (based on example from Kent LA)

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.

If you wish to take photos at the production there is a strong possibility that other children will also be included within the picture.

At Shevington High School 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.

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 network, 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.

Please be aware therefore that parents are not permitted to take photographs or to make a video recording for anything other than their own personal use. This is because:

- 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.