

Issued by the Governors of St Mary's CE School, Clymping



Guidance on Photographs of Children

Signature	
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1. Introduction

This document provides guidance on the appropriate use of images of children in education, including schools, youth and community, pupil reintegration units etc. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff in educational establishments and who wish to use images of children and young people in education.

Establishments need to make full and proper use of photographic images while meeting the law and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

2. Typical Uses of Photographs

- Key skills for PE.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures and the use of photographic equipment by parents and carers and children from the other school.
- Media including newspapers and television especially when some editors require children's names when publishing photographs.
- Displays in the establishment of children's activities.
- Publications by the establishment and by LA
- Establishment and LA web-sites.
- Staff training and professional development activities.
- Time lapse photography for recording of building development
- Site security / CCTV videos.

3. Governing Body / Management Committee

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.

4. Ownership

Human Rights legislation and the Data Protection Act 1998 give people new rights and it is the right to 'privacy' that is the issue when using photographs.

The Council and establishments must take steps that respect the rights of people in photographs.

The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise (see appendix 3).

5. Good Practice

The following advice represents good practice in the use of photographic images involving children.

1. When taking a picture the establishment must obtain the consent of the person in the picture or from their parent or carer.
2. If using a photo from the media or commissioning a photograph, have a signed agreement (see appendices 2 & 3).
 - Use the image in its intended context.
3. Follow the commitment made in the consent forms:
 - not to name the child;
 - not to use the photograph out of context;
 - not to use the photograph to illustrate sensitive or negative issues.
4. When photographing children:
 - a. Ensure that parents and carers of young people have signed and returned the establishment consent form for general photography (see appendix 1). Any images going beyond the establishment need additional specific consent
 - b. Ensure all children are appropriately dressed.
 - c. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
 - d. Photographs of three or four children are more likely to also include their learning context.
 - e. Do not use images of a child who is considered very vulnerable, unless parents / carers have given specific written permission.
 - f. Avoid naming young people. If one name is required then use the first name only where possible.
 - g. Use photographs that represent the diversity of the young people participating.
 - h. Report any concerns relating to any inappropriate or intrusive photography to the head teacher / manager.
 - i. Remember the duty of care and challenge any inappropriate behaviour or language.
 - j. Do not use images that are likely to cause distress, upset or embarrassment.
5. Regularly review stored images and delete unwanted material.

6. Parental Permission

Use of images of children require the consent of the parent / carer. Permission should always be obtained by using the school consent form in, when a child joins the establishment. The form covers the establishment when using the photographs in publications and on web-sites. Each year as part of a standard

communication, ask parents if they wish to change their permission. If they do, encourage them to contact the school office.

When a parent does not agree to their child being photographed, the head teacher / manager must inform staff and make every effort to comply sensitively. For example, if a child whose parents have refused permission for photography is involved with a sports event, e.g. a football match, it may not be appropriate to photograph the whole team. Careful liaison with parents is therefore essential. With discussion it may be possible to agree other options. The parent may accept a team photograph if names are not published or they may be prepared to relent if it affects the whole team.

When photographic images are transmitted or shared beyond the establishment e.g. television broadcasts, images on intranet sites, specific permission should be obtained.

7. 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. A member of the management team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

8. Displays in Schools

Still photographs shown on displays and video clips available during open / parents' evenings 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. Do not use photographs or images likely to cause embarrassment.

9. Parents Evenings, Concerts, Presentations

To allow the appropriate recording of children's images by parents / carers:

- ensure that children are appropriately dressed;
- obtain parental permission
- be aware of any child who should not be photographed ; and
- monitor the use of cameras and anyone behaving inappropriately.

10. Children Photographing Each Other

This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in the Offsite Activities Guidelines 2003. 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 (see also section 15).

11. Newspapers

Several scenarios can occur:

1. Team photographs:

- When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The head teacher / manager should make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph may not be appropriate.
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2. Photo opportunities:

- When an establishment invites a newspaper to celebrate an event, the head teacher / manager should make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- Almost without exception, this means the paper will prefer to publish the full names of anyone in a photograph they print. The only exception to this might be (as above) in a larger group shot (e.g.: a group of more than 10 children).
- However newspapers usually prefer to work with smaller groups of children – e.g.: three or four – and for this number names would definitely be required.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Establishments must give thought to this beforehand – and parental permission / opinion must be their key guidance.
- This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group - it might be possible to negotiate a 'first names only' agreement with the newspaper.
- Otherwise establishments must be prepared to forego newspaper publicity.

12. Use of Internet / Intranet Sites

Many establishments will have an internet / intranet facility. The site manager should know good practice and ensure that the establishment only uses appropriate images that follow this guidance. For example, if a child has successfully completed a gymnastics award, it would be appropriate to show the child in a tracksuit rather than leotard.