



**THIS POLICY COVERS ALL ACADEMIES/SCHOOLS WITHIN
ARDEN MULTI-ACADEMY TRUST**

Name of Policy	Photographic and Digital Images Policy	
Lead	Martin Murphy, CEO	
Governor Committee	Business & Personnel Committee	
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	Changes based on SMBC advice – Liz Bird email 6 th June 2017	
	16 th November 2017 (Moved to BSII)	
	January 2020, Martin Murphy. Changed to reflect Trust status.	



Introduction

Photographs and video for Arden Multi-Academy Trust and family use are a source of innocent pleasure and pride, which can enhance the self-esteem of children and young people and their families. Parents/carers are not required to comply with the General Data Protection Regulation 2018 when taking photographs for their own private use of their children at an organised event. Parents should not be stopped taking photographs for their own private use because of concerns of contravening the Data Protection Act.

We must, however, always be mindful of the need to safeguard the welfare of children in the Trust, and issues of child protection, data protection and parental consent will be given careful thought. Images may be used to harm children, for example as a preliminary to 'grooming' or by displaying them inappropriately on the Internet. The issue has been further complicated with the advancement of mobile phone and other hand-held forms of internet technology.

There is no national or government policy available, although the Information Commissioner's Office (ICO) has produced a two-page guidance document for educational settings. This is reproduced at Appendix A. This guidance applies to all forms of publications - print, film, video, DVD, on websites and in the professional media - and has been agreed with e-safety specialists and professionals in that field. Certain key principles apply but the Trust is able to modify aspects of the policy to fit in with their procedures and individual ethos.

Scope

This document provides guidance on the appropriate use of images of children at the Trust. It covers still, video and electronic photographic images wherever they are used.

This Trust document does not differentiate between images for use in publications and those for use on the internet. This is because whilst the Trust prospectus or other printed literature is designed to be a hard document, it is also available over the web. It is therefore difficult to monitor which images have been approved for which purpose.

The Trust aims to make full and proper use of photographic images whilst at the same time, 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 those issues and give advice on good practice.

Typical uses of images

- For GCSE examination submissions e.g. videos of swimming, trampolining, athletics events
- Key skills for PE
- Video-based Learning Project in 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/guardians and children from the other schools
- Media including newspapers and television especially when many editors insist on the full names of the young people when publishing photographs
- Displays in the establishment of young people's achievements and projects

- Publications by the establishment and others connected with the Trust e.g. PTA
- Establishment website
- Staff training and professional development activities
- Time lapse photography for recording of building development
- Site security / CCTV videos

Governing Body

The Governing Body of each school will formally adopt these guidelines as policy and good practice and will ensure that the child protection and/or health and safety governor are aware of and support the policies and procedures.

Ownership

The General Data Protection Regulation 2018 and Human Rights Act 1998 set out the rights and responsibilities in respect of keeping personal data on individuals. The principles of the Act are set out in Appendix B but in summary everyone has the right to know that information is held on them and the reason for holding that data. They also have the right to refuse permission for that data to be published. The term 'data' includes photographic images. The Data Protection Act is unlikely to apply in many cases where photographs are taken in the Trust. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure. Photographs taken purely for personal use are exempt from the Data Protection Act. This means that parents, friends and family members can take photographs for the family album of their children and friends participating in school/academy activities and can film events. Where the act does not apply, it is suggested that a common sense approach be adopted and that the Trust clearly communicates its policy on taking photographs at events.

Photos taken for official the Trust use may be covered by the act. Students should be advised why they are being taken and they cannot be released without consent.

Some examples

- Identity passes – these are for official the Trust use and are likely to be stored electronically with other personal data and the terms of the act will apply.
- Photos taken of students in lessons, for example for the Trust prospectus, will be classed as personal data but will not breach the act as long as the children and/or their parents/carers are aware this is happening and the context in which the photos will be used.
- Photos taken by a local newspaper - as long as the Trust has agreed to this and the children and/or their guardians are aware that photos may appear in the newspaper - will not breach the act.
- Individual photos used for identification purposes, e.g. medical information.

Article 8 of the Human Rights Act confers the right to private family life and correspondence. This also states that a public authority (such as the Trust) must not interfere with this right except in specific and limited circumstances. An image can interfere with this right, particularly if it is intrusive or displays something that the subject prefers to keep private.

The Trust will not display images of students or staff on websites, in publications or in a public place without

consent of the person concerned or their legal guardian. The definition of a public place includes areas where visitors to the Trust have access.

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.

General issues

When the Trust produces a publication, exhibition board, website or video for distribution and features an image of a recognisable individual, we will ensure we have the permission of the individual in the picture. The Act states you must take reasonable steps to get their permission. To get the permission of everyone in a large crowd would be unreasonable – this really applies to featured individuals. Therefore, the easiest way to do this is to get the necessary permissions before the photograph is taken and all parents/guardians, at the time of their child's entry to the Trust, will be asked for such permission.

It is important that those being asked for their consent understand what we intend to use the images for once they are taken. It will be made clear if the picture will be used to illustrate a general theme and so may appear in a variety of different publications or if it is just to illustrate a specific event or pastime.

If the Trust does not seek the necessary permission from parents for pictures we take then we understand we leave ourselves vulnerable to prosecution under the Data Protection Act should the publication of any image by the Trust cause distress or offence. The responsibility under the act for seeking permissions and keeping accurate records lies with the Trust. Photos taken for official school/academy use may be covered by the act and students will be advised why they are being taken. Photos taken purely for personal use are exempt from the act.

Context

The Trust is careful about the context in which we use an image, especially if it is of young people.

- If we are using an image for publicity specifically related to an event, there is little problem as long as the relevant consents have been obtained.
- For information that covers sensitive areas (e.g. abuse, bullying, domestic violence, alcohol/drug related issues, mental illness etc.), we will always use a library picture. Using pictures of real children alongside these subjects could result in legal action by parents/carers.
- We will not use a photo in a context that is different to that stated on the consent form.
- We will ensure that images cannot be construed as being provocative.
- When taking/using images, we will be representative of diversity by reflecting gender, race and disability.

Good practice

The following advice represents the good practice the Trust undertakes in the use of photographic images involving young people.

- (a) When taking a picture, obtain the consent of the person in the picture or, in the case of a minor, from their parent/carer.
- (b) Use the image in its intended context.
- (c) When publishing images of children or young people, follow the commitment made in the consent forms in any published material:
 - We do not publish addresses or e-mail addresses.
 - We do not publish individual close-up portraits.
 - We do not use the image out of context.
 - We do not use the image to illustrate sensitive or negative issues.
- (d) When photographing children:
 - Ensure that parents/carers of young people have signed and returned the consent form for general photography. Any images going beyond The Trust or setting will have specific consent;
 - Ensure all young people are appropriately dressed.
- (e) Always ensure that we have checked whether there are reasons that a particular young person cannot be photographed or identified.
- (f) Obtain the permission of all the people who will appear in a photograph, video or webcam image before we record the footage. That means young people as well as any adults.
- (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 Associate Headteacher.
- (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.
- (k) Regularly review stored images and delete unwanted material.

Archiving photographs and other images

Your child's photograph is valid from the time they join the school in the Trust. There may be occasions when their image may be used after your child has left school, for example, a celebratory event from the history of the school. If you do NOT wish for their image to be used AFTER they have left, please write to the Associate Headteacher to confirm this.

NB. These guidelines **only** relate to images taken by or commissioned **by the Trust themselves for publication**. The Trust is **not** liable for images taken by parents or others at school/academy events, as it is those who own and publish the images that are subject to the act.

Parental/carer consent

We always get consent from the parent, guardian or carer of a child or young person up to the age of 18 (this is called 'parental consent'). Due to most children attending the Trust for five years or more, it seems

sensible for us to get consent for the whole five or seven year period. We send a consent form to parents with the Trust registration pack, to cover the period that their children will spend at the school/academy.

In exceptional circumstances we may need to make a decision based on the individual case. For example, if a young person has left home but is under 18 years of age, it might be difficult to obtain parental consent. We also exercise caution when dealing with children in care. It may be appropriate to get consent from the carer/social worker, as well as the child or young person.

When a parent does not agree to their child being photographed, the Associate Headteacher informs staff and makes 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. A parent should inform their child to avoid embarrassment. 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. We are mindful that children like to fit in and may feel excluded by being left out of photographs and DVD footage of events and we keep this in mind when organising photo shoots involving groups of children.

Photographic opportunities

Inter-school sporting fixtures

If a vulnerable child is involved in inter-school sporting fixtures, it is necessary to liaise with a member of staff from the other establishment so that they are aware of the wishes of the parents or carer of the child and seek the cooperation of the parents of the opposing team.

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 Senior Leadership Team will oversee the compiled images as part of the management process and consider their appropriateness.

Displays in the Trust schools/academies

Still photographs shown on displays and video clips available during open/parents' evenings will depict children in an appropriate way. They will not display images of children in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained. We do not use photographs or images likely to cause embarrassment.

Parents' consultations, concerts, productions and presentations

There will be occasions during the academic year where parent(s)/carer(s) will wish to take photographs or make a video recording of their child/children taking part in school/academy activity. These activities will include assemblies, performances, sports days, outings and educational visits.

In order for the Trust to ensure that as far as possible parents/carers use of photography and video is safe and appropriate, we have regard for the following advice:

- Ensure that children are appropriately dressed.
- Obtain parental permission.
- Ensure that parents/carers are aware of their responsibility to ensure that any images they take of activities will not be used inappropriately.
- Make clear to parents/carers that photography/video recording only takes place in designated areas. For example, in the main hall where the assembly or performance is taking place and not in 'backstage' areas or classrooms. We will allocate specific times during school/academy outings and educational visits for photographs to be taken in the appropriate setting and areas.
- Be aware of any child who should not be photographed.
- Monitor the use of cameras and anyone behaving inappropriately.
- Encourage parents/carers with video cameras to sit towards the back of the room during assemblies/performances to prevent obscuring other people's view.
- Research the possibility of creating a school/academy video recording of the event giving parents/carers the option to purchase a copy of a Trust video.
- A set of photographs of an event are often taken by the Trust and orders taken for copies.

Practical examination evidence

This covers the use of video material recording students' level of performance in examined practical aspects, which are unable to be assessed during the moderating examiner's school/academy visit. The protocol laid down by the major exam boards is that this material should be returned to the establishment when the examiner has completed his/her judgments. It would therefore be good practice for colleagues to establish what will happen to the video evidence in discussion with the external examiner during their visit.

Young people photographing/videoing 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 Trust policy for off-site visits which should accord with the Outdoor Education Advisers Panel 'Employer Guidance' which is currently seen as best practice by the DfE (www.oeap.info). 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/carers are responsible for monitoring their child's use of cameras and subsequent use of their images involved (see also section 12).

Mobile phones and other hand-held devices

The use of mobile phones and other hand-held devices which contain cameras of photographic and or video capabilities are not permitted in the Trust. These phones can take and transmit images and the same rules apply as for other photography, the user needs to recognise that any pictures taken are for personal use only. Recent amendments to the Education Act give powers to the Trust staff which enable them to search for material on a mobile phone or other hand-held device and also allow them to confiscate such items where their use is prohibited as described in the Mobile Phone Policy – see Appendix G.

The press, media and newspapers

When the local or national press are invited into the Trust in order to produce an article or take photographs of students, several scenarios can occur.

Team photographs

- When all parents/carers of the young people involved are prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent/carer is not happy to have their child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The Associate Headteacher will must make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If the parents/carers 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.

Use of internet/intranet sites for publishing images

The Trust has an internet/intranet facility and the Network Manager is aware of good practice and ensures that the school/academy only uses appropriate images that follow this guidance.

Particular care is taken by teachers, parents/carers and students when considering the publication of material onto the internet.

Parents who are considering setting up a private/family website with details relating to the Trust should first seek permission from the Associate Headteacher if they intend using images of other children or young people from the Trust or a specific setting.

Appendix A



Data Protection Good Practice Note

Taking Photographs in Educational Establishments

Aim of this guidance

This Good Practice Guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the General Data Protection Regulation 2018.

Recommended Good Practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school/academy use may be covered by the act and students and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the act.

Examples

Personal use:

- A parent takes a photograph of their child and some friends taking part in the Trust Sports Days to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to an event and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official school/academy use:

- Photographs of students or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the act will apply.
- A small group of students are photographed during a science lesson and the photo is to be used in the Trust prospectus. This will be personal data but will not breach the act as long as the children and/or their parents/carers are aware this is happening and the context in which the photo will be used.

Media use:

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the Trust has

agreed to this, and the children and/or their parents/carers are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the act.

Further Information

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: 0303 123 1113

Website: www.ico.gov.uk

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Appendix B

DATA PROTECTION PRINCIPLES

Personal data shall:

1. Be processed fairly and lawfully;
2. Be obtained only for one or more specified and lawful purposes;
3. Be adequate, relevant and not excessive in relation to the purpose for which they are processed;
4. Be accurate and, where necessary, kept up-to-date;
5. Be kept for no longer than is necessary for that purpose;
6. Be processed in accordance with the rights of data subjects under this act;
7. Be held with the appropriate technical and organisational measures in place against unauthorised or unlawful processing, accidental loss or destruction of, or damage to, personal data;
8. Not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Appendix C

A guide to parents for taking photographic/video images

There will be occasions during the year where you will wish to take photographs or make a video recording of your child or children taking part in a an activity. The Trust is required to take practical steps to ensure that pictures and images taken of children are done so in a way that reflects the protective ethos of the Trust. In order to do so, staff at the Trust need to ensure that parental use of photography and video is monitored and protected for the benefit of children and their parents/carers.

You might be asked by the school/academy to do one of more of the following:

- Give consent for your child’s image to be used.
- Sign a form which includes a statement saying that you agree to use images appropriately.
- Only take photos in designated areas, e.g., main hall in the case of school productions.
- Sit at the back of the room to prevent obscuring other people’s view.
- Not to use your own photographic/video equipment in the event of school recordings being available for sale.

If you have any queries, please speak to a member of staff at the school/academy.

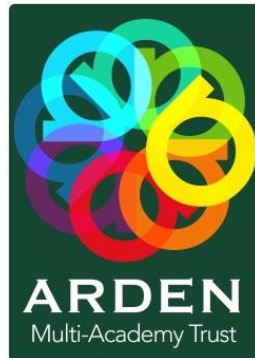
‘Use your camera and video courteously’

Generally photographs and videos for the Trust and family use are a source of innocent pleasure and pride, which can make children, young people and their families feel good about themselves. By following some simple guidelines we can proceed safely and with regard to the law.

- Remember that parents/carers and others, attend the Trust events at the invitation of the Associate Headteacher and governors.
- The Associate Headteacher and governors are responsible for deciding if photography and videoing of the Trust performances is permitted.
- The Associate Headteacher and governors are responsible for deciding on the conditions that will apply so 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 Trust event for their own personal use only. Such photos and videos must not be sold and must not be put on the web/internet. To do so would likely break Data Protection legislation.
- Recording or/photographing other than for your own private use would require the consent of all the other parents/carers 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.

[Type here]

- If you are accompanied or represented by people that the Trust staff do not recognise they may need to check who they are, if they are using a camera or video recorder.
- Remember that for images taken on mobiles phones the same rules apply as for other photography, you should recognise that any pictures taken are for personal use only and must not be shared without the permission of the parents/carers of the children in the photograph.



Parents/Carers

Use of photography or video recording of the Trust activities

Please remember:

- ◆ Photographs and video recording may only take place in the designated areas - please see a member of staff for details.
- ◆ If you are using a video camera, please do not obscure other people's view.
- ◆ You may be given the opportunity to purchase school photographs/video of the event.

Enjoy the event!

Appendix E

Use of Pupils' Images

During your child's time at an AMAT school/academy, staff may wish to take photographic or video images of activities that involve your child. The images may be used for displays, publications or on the AMAT/school/academy website.

Photography or filming will only take place with the permission of the Associate Headteacher, and under appropriate supervision. When filming or photography is carried out by the media, pupils will only be named if there is a particular reason to do so, e.g. if they have won a prize, and home addresses will *never* be given out. Images that might cause embarrassment or distress will not be used nor will images be associated with materials or issues that are considered sensitive.

Before taking any images of your child, we need your permission. This permission will last for the whole of your child's education at the school/academy. You can ask to see images of your child held by the establishment.

You may withdraw your consent at any time.

The AMAT Photographic & Digital Images Policy is available to view on the AMAT website.

If you wish to attend functions and take photographs of your and other people's children please take appropriate images, be sensitive to other people and try not to interrupt or disrupt concerts, performances and events.

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Important Conditions

- This consent provided is valid from the time your child starts at the school/academy; there may be occasions where images may be used after your child has left, e.g. a celebratory event about the history of the school. If you do NOT want your child's image to be used AFTER they leave, then please write directly to the Associate Headteacher.
- Pupils will be made aware of why their pictures are being taken and how they will be used.
- We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on the school/academy website, in the prospectus or in other printed publications.
- We may include pictures of students and teachers that have been drawn by the students.
- We may use group or class photographs or footage with very general labels, such as "a science lesson" or "making Christmas decorations".
- We will only use images of students who are suitably dressed, to reduce the risk of such images being used inappropriately.
- If it is found that a camera phone has been misused, the school/academy will follow its usual disciplinary procedures.

[Type here]

Use of Images

Please see associated letter in the Parent Information Pack

Name of child <i>(block capitals)</i>	
Name of parent/carer <i>(block capitals)</i>	
I have read the attached letter regarding the use of images of children. <i>[Please give your consent by ticking next to the statements below]</i>	
I give my consent to images of my child being taken and used for official purposes of promoting or publicising the school/academy via the school website , and I understand that images published on the website could be viewed by any individual in the world.	<input type="checkbox"/>
I give my consent to images of my child being taken and used for school/academy written publications e.g. prospectus, newsletters (please note these are usually also published on the school website).	<input type="checkbox"/>
I give my consent to images of my child being taken and used for official school/academy social media sites, e.g. Twitter, Facebook.	<input type="checkbox"/>
I give my consent to images of my child being displayed within the school building.	<input type="checkbox"/>
I give my consent for my child's photograph to be taken by a GDPR compliant school photographer (for parents to purchase and stored in the school information management system).	<input type="checkbox"/>
OR	
I do NOT give my consent for my child's image to be used in any form for any purpose at school.	<input type="checkbox"/>

Please tick BOTH the below statements to confirm agreement:	
I agree that any photographic or video images I as a parent/carer might take at school events will not be used inappropriately.	<input type="checkbox"/>
I agree to inform the school/academy of any change in circumstances which may affect the decisions made in this form.	<input type="checkbox"/>

Signature of Parent/Carer

[Type here]