

# SAFE USE OF IMAGES POLICY 2021-2023



We work as a team

## Purpose

Increasingly, technology is making it easier to use pictures and images in news and media, printed materials or on websites as well as on social media. Along with this increased freedom, Avenue Junior School and Recreation Road Infant school believe that we have a responsibility to ensure that individual and parental rights are respected, and that vulnerable individuals are protected from risk or exploitation.

## Summary

- There needs to be special care taken when obtaining and publishing images of children. Issues of child protection and parental consent cannot be taken for granted and the consent of the Head Teacher is **not** sufficient. There may be reasons for a child's picture not being used that only a parent or guardian may know.
- This policy puts into a place a structure whereby images of children are properly safeguarded.

A full policy is available on request from the school office.

## Status

Recommended

## Who/what was consulted?

This policy has been written by Mike Hooper, Acting Headteacher at Avenue Junior School and Michael Bunting, Headteacher at Recreation Road Infant School.

## Relationship to other policies

- Whole School Policy for Safeguarding, including Child Protection
- The Complaints Procedure
- The Online Safety and Acceptable Use Policy

## Roles and responsibilities

- Governing Body
- All staff
- Parents/Carers



**Arrangements for monitoring and evaluation**

The Governing Body will monitor complaints logged around the Safe Use of Images, to ensure that the purpose of this Policy is being achieved and maintained.

**Date approved by Full Governing Body: 21 June 2021**

**Date for review: Summer 2023**

## **Contents**

<b>The Legal Framework</b>	<b>4</b>
<b>Gaining Valid Consent – Adults</b>	<b>4</b>
<b>Gaining Valid Consent – Children and anyone under 18</b>	<b>4</b>
<b>Photography or Filming by Parents</b>	<b>5</b>
<b>Naming Children</b>	<b>6</b>
<b>Portrait Photography in School</b>	<b>6</b>
<b>Corporate Images</b>	<b>6</b>
<b>Re-using of Old Images</b>	<b>6</b>
<b>Web Images</b>	<b>5</b>
<b>Complaints Procedure</b>	<b>6</b>
<b>APPENDIX 1: TEMPLATE LETTERS TO PARENTS/CARERS</b>	<b>7</b>

## **About the Policy**

- Increasingly, technology is making it easier to use pictures and images in news and media, printed materials or on websites as well as on social media. Along with this increased freedom, Avenue Junior School and Recreation Road Infant School believes that they have a responsibility to ensure that individual and parental rights are respected, and that vulnerable individuals are protected from risk or exploitation.
- This policy is intended to apply to all forms of publication printed or digital images and electronic images whether still or video on the websites.
- There needs to be special care taken when obtaining and publishing images of children. Issues of child protection and parental consent cannot be taken for granted and the consent of the Head Teacher is **not** sufficient. There may be reasons for a child's picture not being used that only a parent or carer may know.

## **The Legal Framework**

- The 1998 Data Protection Act and from May 28<sup>th</sup> 2018, the GDPR covers the use of images. It provisions extreme caution about using old images or any sort of stored image for a new purpose. Express permission of the individuals is required. The Information Commissioners Office Good Practice Note "Taking Photos In Schools" is available from [www.ico.org.uk](http://www.ico.org.uk)
- Access must be given to stored images on request, and arrangements made for the destruction of out of date images.
- Common law holds that a child in the primary phase lacks the legal capacity to give valid consent and that capacity is usually invested in the parent or carer of the child. However, children in the primary phase should have their objections to images being taken of them taken seriously and images not produced if they raise an objection.
- For practical purposes, it should be regarded that a young person has the capacity to give consent at the age of 18 years.
- To obtain consent for children in care, the school must contact Norfolk County Council, Children's Services.

## **Gaining Valid Consent – Adults**

- A clear and full explanation of what the image will be used for must be given to the person before consent is given.
- Where possible, a written explanation of the purpose and final use of the images should be provided with consent in writing requested.
- In the event of little notice of images being taken (e.g. media arriving at short notice to cover an event), it must be ensured that those being photographed / filmed know that this is for use in news coverage. This gives them the opportunity to withdraw if they wish to do so.
- Adults with learning difficulties should have the opportunity to discuss the matter with their carer or supporter. If they clearly understand the final purpose of the image, their decision should be respected.

## **Gaining Valid Consent – Children and anyone under 18**

- Written consent must always be sought from a parent or carer before the images of children and young people are published. That consent must be based upon a clear and full understanding of what the images will, and will not, be used for.
- If there is disagreement between the parents of a pupil it should be taken that consent is not given.
- Where there is no opportunity to give consent e.g. if the media want to film or photograph in school at very short notice, it should be demanded that shots be arranged which do not identify individual pupils.

- Outside agencies that ask the school to distribute their own permission forms will have their list of uses for images reviewed prior to any forms being given to parents. Any that are deemed to be too extensive will not be distributed and photographs by them will therefore not be permitted.
- If in any doubt, staff should seek legal advice from their chosen provider.

### **Photography or Filming by Parents**

- It is natural for parents to want to record their children's time at school, especially when they take part in activities such as sports, concerts or other types of shows. Some issues can arise however, e.g.
  - Disturbance to other members of the audience
  - Distraction to those taking part
  - Parental objection
  - Child protection concerns.
  - Children's images being distributed on social media without consent
- The decision whether or not to allow photography or recording, rests with the Head Teacher in consultation with the Governors. Before the start of an event, the head teacher or other suitable person shall communicate to the audience whether it is or isn't permitted to take photographs. They will also state that no images should be shared online, including on social media.
- In order that all parents are apprised of the fact that the school usually raises no objection to images being taken by parents during school events, and have an opportunity to object, this will be included within a newsletter at the beginning of each school year.
- If an objection is raised and the decision not to allow recording of images is made, the school will consider ways in which the difficulties this causes can be overcome, e.g.
  - Explanation of the reasons for the decision
  - Organisation of professional photography (after parents are given the usual opportunity to object)
  - Opportunity to record a dress rehearsal when an objector would be able to withdraw their child.
- Where a child in care is to be filmed / photographed, the school must contact Children's Services, Norfolk County Council.

### **Photography or Filming by young Persons**

- Increasingly, children and young people are in possession of their own devices that are able to record film or take still images. It is natural for children to want to take images or film at school events but the responsibility for the use of such images must lie with the parents of the children in possession of them. The conditions governing these are above (Photography or Filming by Parents). However, pupils at Avenue Junior School and Recreation Road Infant School will be taught about the use of images as part of their learning about online safety.

### **Photography or Filming by the Media**

Permission for use of photographs in other media publications is covered by the parental permission slip all parents complete on entry to the school. If there is to be any filming of the event, parents will be informed beforehand and the example letter as attached to this policy may be sent out beforehand.

## Naming Children

- Unless there is a particular reason for a child to be named (e.g. prize winner), primary school children should generally not be named. Instead, children should be identified by first name only – “John in Year X”
- If it is felt appropriate for a child to be named in full, consent must be obtained from the parent / carer and, whatever the decision, the newspaper (or other news organisation) must be informed of the decision **before** a photographer is sent out.
- Children’s addresses or other contact details, such as e-mail must **NEVER** be supplied or published.

## Portrait Photography in School

- Whilst the school facilitates this arrangement, it cannot take responsibility for issues such as copyright and the use of images held by the photographer.
- Nevertheless, the school will:
  - Take reasonable steps to ensure the bona fides of the photographer
  - Ensure that parents know about the photo sessions **BEFORE** they take place so that they have an opportunity to withdraw their children
  - Ensure that children whose parents have objected are not photographed
  - Provide reasonable supervision during the photo session

## Corporate Images

- Consent may be necessary for corporate images as well as people e.g. a picture of a business or a factory. The school will approach any organisation or company whose image it may wish to replicate.

## Re-using of Old Images

- To avoid the accidental re-using of images consented for one reason, being used for another, all images that have been stored either as photographs or electronically will be securely kept, labelled and dated.
- Computer images will be kept for no longer than the duration of a child’s stay at the school. Archive photographs and digital hard copies will be archived **for school use only** and saved /archived images will have their approved uses recorded alongside them.

## Copyright

Avenue Junior School and Recreation Road Infant School will never knowingly breach the Copyright, Designs & Patents Act 1988.

## Complaints Procedure

Parents should follow the school’s normal complaints procedure in most cases. In the case of complaints regarding photographs used by the press they should contact the Press Complaints Commission [www.pcc.org.uk](http://www.pcc.org.uk) 020 7831 0022 or OFCOM <http://www.ofcom.org.uk/complain/> Advisory Team 0300 123 3333.

Complaints regarding information rights practices should be made to ICO (Information Commissioners Office) [www.ico.org.uk/concerns/](http://www.ico.org.uk/concerns/) or 0303 1231113.

## Appendix 1: Template letters to Parents/Carers



## Parental Permission

### CHILD'S NAME

Consent for any of the activities below, if given, can be withdrawn or changed at any time. If you wish to do this, please email [office@avenuejunior.norfolk.sch.uk](mailto:office@avenuejunior.norfolk.sch.uk) (Avenue Junior) or [office@recreationroad.norfolk.sch.uk](mailto:office@recreationroad.norfolk.sch.uk)

*\*Please delete as appropriate.*

I do/do not give\* permission for my child's photograph to be used in school and in school literature.

I do/do not give\* permission for my child's digital image to be used on the school website.

I do/do not give\* permission for my child's photograph to be used in local and national press. The photograph will not be identifiable to a name.

I do/do not give\* permission for my child to participate in walks around the local area, including to and from the city. All parents/carers will be notified of any upcoming walks by a letter home.

I give/do not give\* consent for my child to participate in food tasting activities. If your child has allergies, please list these below:

.....

Parent/Carer's signature: .....DATE: .....

Thank you for your help.

A full copy of the Safe Use of Images Policy is available on request from the school office or on the website.







**AVENUE JUNIOR SCHOOL**  
AVENUE ROAD, NORWICH, NORFOLK, NR2 3HP

Head teacher: Mrs D Dismore B Ed (Hons)  
Telephone: Norwich (01603) 441034 Fax: Norwich (01603) 441035  
Email: [office@avenuejunior.norfolk.sch.uk](mailto:office@avenuejunior.norfolk.sch.uk)  
[www.avenuejunior.norfolk.sch.uk](http://www.avenuejunior.norfolk.sch.uk)

Date:

Dear Parent / Guardian,

Later this term we will be holding our school \_ \_ \_ \_ \_ . All the children have been working hard to ensure that it is well up to our usual standard when the performance / event is held on \_ \_ \_ \_ \_ .

It has been decided to invite the press to come and film / photograph the event.

The school will not own any images taken but will closely supervise the event. The copyright and use of the images taken will belong to the press / TV company.

If anyone whose child is taking part is concerned about this decision, please contact me at school, either in person, or on our usual number.

A full policy is available on request from the school office or on the website.

Yours faithfully,

Mrs Debbie Dismore  
Head Teacher