



**Villa Real School**  
*together we achieve*

# Photographic and Video Policy 2020

Responsibility: Jill Bowe

Date: March 2020

Adopted by the Governing Body:

Chair of Governors

Date: 03.02.2020

Date to be reviewed: March 2022

## **BACKGROUND**

This policy covers the recording, use storage and deletion of still and video images at the School. It should be read in conjunction with the School's Data Protection, Online Safety and Acceptable Use policies. Any examples used in this policy are not exhaustive and the School is able to make decisions on a case by case basis.

Legally this area is covered by the following:

**Data Protection Act 2018:** The image of a child is personal data covered by the act unless taken by parents/ carers purely for personal use. This means that school must comply with the Data Protection Act 2018 (GDPR). Schools are permitted to take, use and store and display images when this forms part of the public task of educating children, disposing of images of that child after they have left. Schools need to seek consent for other uses of images such as websites, social media or newspapers

**Education Act 2002:** Obligations to safeguard the welfare of pupils/students. This may have an impact on those children whose location cannot be revealed for safeguarding reasons

**Article 8 European Convention of Human Rights:** Privacy issues/ breach of the child's right to respect for private life. For Example, a parent/carer may object to their child's image being taken or shared

**Article 10 European Convention of Human Rights:** The parent/carer's right to freedom of expression. For example a parent/ carer may wish to record the Nativity play

## **SAFEGUARDING**

Safeguarding of young people should always take precedence when considering when photographs and videos are appropriate. In particular, schools need to consider if they have young people who:

- Are looked after- particularly if the parents of the young person are not allowed access
- Are adopted
- Are in protected accommodation
- Have a parent or family member who is not permitted access

## **CONSENT**

Consent is not required when the use of images is purely for educational purposes, for instance assessment of learning. This is covered by the 'Public Task' of the School.

Consent will be required when images are used beyond the School, for instance the school website. It is good practice to ensure that the record of consent is approved as accurate and up to date by the parent or carer on a regular basis.

A record of all consent details will be kept securely on file. Should permission be withdrawn by parents/ carers at any time, then all relevant images will be removed and disposed of and the record will be updated accordingly.

Images will not be taken of any pupil/student against their wishes. A pupil/student's right not to be photographed is to be respected.

School visitors may only take photographs with the specific permission of a member of the Senior Management Team when consent has been correctly obtained.

## **TAKING, STORING AND RETENTION OF IMAGES AND VIDEOS**

As images and videos are personal data, this should be processed in accordance with the School's Data Protection Policy.

Only official school owned equipment (e.g. work provided digital or video cameras) will be used by staff to capture images of pupils/students for official purposes. Use of personal cameras or phones by staff is prohibited at all times.

Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.

Images will be stored securely, for example, by using password protection, restricting the number of people who have access to the files, and ensuring adequate firewall and anti-virus software is in place. If possible, this will be encrypted (e.g. iPad with password).

Images will be securely deleted from non-encrypted devices on a regular basis (e.g. transferred from a digital camera to the network on a weekly basis).

Images will not be kept for longer than is to be considered necessary and, in any event, not exceeding a maximum of 3 years after the pupil/student has

left the School. A designated member of staff, Data Protection Officer (Louise Burns), will ensure that systems exist so that all photographs are permanently wiped when no longer needed.

The School's management team reserve the right to view any images taken. Members of staff; including volunteers will ensure that all images are available for scrutiny and will be able to justify any images in their possession.

### **USE OF IMAGES/ VIDEOS BY PUPILS/STUDENTS**

The School will discuss and agree age appropriate acceptable use rules with the pupils and students regarding the appropriate use of cameras, such as places where pupils/students cannot take the camera (e.g. unsupervised areas toilets changing rooms etc.)

All staff will be made aware of the acceptable use rules regarding pupils/students' use of cameras and will ensure they are properly supervised when taking images for official or curriculum use.

Members of staff will act as role models for positive behaviour to the pupils/ students by encouraging them to ask permission before they take any photos.

Photos taken by pupils/ students for official use will only be taken with parental/ carer consent and will be processed in accordance with the Data Protection Act 2018.

Parents/ carers will be made aware that pupils/ students will be taking photos/ videos of other pupils/ students and will be informed how these images will be processed.

### **SCHOOL TRIPS**

Volunteers helping on school trips must be made aware of any rules restricting the use of personal devices to take photographs.

The School will decide if pupils/ students are allowed to use their own cameras, phones, tablets and other connected devices, during a school trip on an individual event basis.

Personally owned tablets, phones or other connected devices are not permitted to be used on school trips due to difficulties supervising the suitability of images shared over the internet.

### **APPROPRIATE EVENTS AND LOCATIONS**

There are some risks involved when taking photographs of some sporting occasions when pupils/ students are not fully dressed. This applies to both the pupil/ student whose image may be misused, as well as the adult who could be accused of taking inappropriate images. The general advice is that pupils/ students should not be photographed unless appropriately dressed. It is not permissible to record images when pupils/ students are changing.

In general, it is advisable not to record images of pupils/ students in swimming costumes, but under specific circumstances the school may decide it is appropriate, for instance:

- Moderation for PE or Swimming Teacher Assessment
- Celebration of a child showing significant progress with swimming

The Amateur Swimming Association (ASA) guidance on photography states that all photographs must observe generally accepted standards of decency in particular:

- Action shots should be a celebration of the sporting activity and not a sexualised image in a sporting context
- Actions shots should not be taken or retained where the photograph reveals a torn or displaced swimming costume
- Poolside shots of children should normally be above the waist only in a swimming costume, though full length tracksuit shots are approved
- Photographs should not be taken from behind swimming blocks at the start of a race or exhibit young swimmers climbing out of the swimming pool

### **USE OF WEBCAMS/ SKYPE ETC.**

Parental/carers consent will be obtained before webcams or video conferencing will be used for curriculum or educational purposes. Recordings will only be made with the consent of all parties taking part.

### **SCHOOL WEBSITE/ SCHOOL MANAGED SOCIAL MEDIA**

Permission will be obtained from parents/ carers before a pupil/student's image is uploaded to the school website or social media platform. Pupils' /students' full names will not be used on the website or social media in association with photographs.

The School will not include any personal addresses, emails, telephone numbers, on videos, on the website, in a prospectus or in other printed publications.

Pupils' /students' work will only be published with their permission or their parents/ carers consent.

### **PARENTAL/CARER PHOTOGRAPHY**

Many parents/ carers will want to record some of the special moments in their child's school life and the law does not prohibit this. However, it is possible that they will also capture images of other children; other than their own, with a possible impact on their privacy

This is a problematic area with contributing factors:

**Freedom-** some parents/ carers will want to take pictures of their child at an event, and some will not.

**Privacy-** it is possible that any image captured may have other children in it.

**Safeguarding-** there is a potential that images may be misused. (There can be particular concern regarding looked after pupils/students).

The school permits parental/ carer photography on an individual basis only.

Parents/ carers may only take images of their own child at events depending

on the nature of the event and any risks posed to pupils/ students and staff taking part.

The School does not permit any video imagery being recorded at events by parents/ carers as any images recorded may have other pupils/ students captured in it.

The School will ensure that parents/ carers are aware of any restrictions on photography and will publicise this prior to the event and bring it to the attention of parents/ carers at the start of the event.

Parents/ carers have the right to ask for their child not to be photographed. On some occasions that may result in the pupil/student being unable to take full part in an activity.

Parents/ carers either will be made aware that photography is allowed at the event on an individual basis only- only to take images of their own child and that if a parent/ carer objects they must contact the School.

### **SOCIAL MEDIA**

Uploading pictures to social media may cause further complications. A parent/carer publically sharing images of other people's children with no controls on privacy may be a breach of data protection rules. However, sharing images of their own children is not a breach of data protection rules. At Villa Real School we think you should be able to celebrate your child's achievements and efforts by taking photos of your child to remember the event. If you do, we ask that if you share them on social media, then only do so with immediate family and friends- not publically. If you do not know how to do this, please contact Jill Bowe at Villa Real School on (01207) 503651, we will be happy to show you how to secure your privacy sessions and share your social media content appropriately.

Villa Real School will challenge any public publishing of our pupils' /students' images that come to our attention if we feel it does not meet our safeguarding obligations.

Remember, there might be pupils/ students alongside your own child who are vulnerable to having their image distributed. If there are, you will be notified of the precautions and procedures that must be followed.

### **PRESS PHOTOGRAPHY**

Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspapers (or other relevant media) requirements can be met. A written agreement will be sought between parents/ carers and the press which will request a pre-agreed and accepted amount of personal information (e.g. first names only) can be published alongside images and videos.

The identity of any press representative will be verified and access will only be permitted where the event is planned, and where press is to be specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.

The photographer will be issued with visitor identification, which must be worn at all times.

Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability, however, can be claimed for situations beyond reasonable control, and where the School is to be considered to have acted in good faith.

### **SCHOOL PHOTOGRAPHS**

Professional photographers who are engaged to record any events will be prepared to work according to the terms of the schools Online Safety Policy available at [www.villarealschool.co.uk](http://www.villarealschool.co.uk) (policies).

Photographers will be issued with visitor identification, which must be worn at all times.

Photographers will sign an agreement which ensures compliance with the Data Protection Act and that those images will only be used for a specific purpose, subject to parental/ carer consent.

Photographers will not have unsupervised access to pupils/ students.

### **PHOTOGRAPHS BY MEMBERS OF THE PUBLIC**

When pupils/ students are taken out of the school grounds, for instance, on a visit it is possible that they could be photographed by a member of the public. If the pupil's/ student's privacy is of paramount importance, the risk should be discussed with parents/ carers and appropriate steps taken (see Looked After children section).

### **LOOKED AFTER CHILDREN**

Photographs of looked after pupils/ students should only usually be taken with the agreement of the person who holds parental responsibility. However, in some circumstances, consent could be obtained from the pupil or student's social worker, foster carer or relative. Please see Jill Bowe (Headteacher) or Louise Burns (Deputy head teacher/ SENCo) if you are unsure about who can give consent.

The School's Headteacher and or Deputy headteacher/ SENCo will be aware of or know of any potential risks regarding any adults or if the placement is protected.

Looked after pupils/ students should expect to have as normal experience as they can and they should not be singled out because they are in care.

If a pupil/student's identity or privacy needs to be protected, this should be discussed with the parent/ carer and appropriate steps could be agreed. This could include:

- Restricting parental photography for all events
- Subtly removing the pupil/ student before photographs are taken

- Sitting the pupil/ student with the teacher to allow the teacher to take active steps to reduce the possibility of the pupil/ student being photographed
- Sensitive withdrawal of the pupil/ student from the event with an explanation to the pupil/ student