

# ***Baginton Fields School***

## ***Policy for safe use of images and photographs***



*"Working Together for Outstanding Achievement"*

Review: Spring 2019

**Section 1 is general guidance for all CCC staff.**

**Section 2 is guidance specific to Baginton Fields school only.**

## ***Section 1: General guidance for all city body staff (from Coventry City Body Safe Use of Images Policy)***

### ***Data Protection***

The Data Protection Act places certain duties on us to ensure that we have relevant consent to take and publish images and that we keep all data secure. Always ensure that you have checked whether there are reasons that a particular person cannot be photographed or identified, especially if it is a child.

You must obtain the permission of all the people who will appear in a photograph, video or webcam image before you record the footage. That means children as well as adults.

If you are taking images at an event attended by large crowds, such as a sports event, this may be regarded as a public area so you do not need to get the permission of everyone in a crowd shot. However, there is no guidance on this from the Information Commissioner.

Individuals do not have rights over the commercial use of their images in the UK, however there may be data protection issues to consider in terms of identification. It is usually best to avoid using such images and use a library image instead or ensure that you have completed consent forms for every identifiable person in the picture.

It is a requirement of the Data Protection Act that you safeguard your images (both digital and hard copies) by storing them securely and only allow use by those authorised to do so. When you are finished with images, destroy or delete them. If you hold copies of images on file, you can't release these without up-to-date consent forms. Take care with images that you have archived. An image taken at a specific time and in specific circumstances can not necessarily be used again at a later date or in a different context. Doing so can result in legal action.

### ***When publishing images of children and young people, follow these guidelines:***

- If you publish their picture, do not publish a name
- If you publish their name, do not publish a picture
- Do not publish full names, addresses or e-mail addresses
- Do not publish individual close-up portraits
- When publishing students' work simply label it as by 'John in Year 3'
- Give staff the opportunity to request that their contact information is not included in any published material

### ***Consent***

When taking images, ensure you have written permission to take and publish the images before you start. This permission should cover:

- How the image will be used  
(i.e. for a one-off article or as a general resource that could appear in a number of contexts)
- How it will NOT be used (i.e. alongside articles or text that are of potentially sensitive or offensive subjects)
- Where it will be used / who will it be available to (i.e. in internal/public-facing printed newsletters, on the web, in a DVD, in local and/or national media, in exhibitions etc.)
- How long it will be used for (i.e. once only, for 2 years, 3 years, indefinitely etc. Be mindful that people's circumstances change and it can become inappropriate to continue to use a photo)

For children under 18 years old, the form should be completed by a parent or guardian. Consent forms should also be obtained for adults, particularly if they are considered 'vulnerable', for example those with learning disabilities. The parent/guardian or social worker may give written consent in these circumstances. Be aware that some people may require help to understand and complete a consent form, need the information translated into a different language or have it supplied in a different format. Completed consent paperwork should be kept on file for the duration of the time the image is being used. Once this time is up, the image should be destroyed. Do not use an image unless you know that you have permission to do so. If you are unsure, use an alternative.

## **Copyright**

Copyright law applies to almost everything, and can be complex and ambiguous. A few basic points are listed below:

- Copyright automatically belongs to the person who created the work. In the UK it does not need to be registered. Take care with any images you release to the media, it is your responsibility to check with the owner of the copyright that it is OK to use them.
- Freelance workers (e.g. a commissioned photographer) own the copyright. However if you have commissioned the work, you own the moral rights, which means you can restrict public use. Always get freelance workers to sign a copyright agreement which assigns the rights to you, or provide a license for you to use the images for the purposes you have in mind.
- If the image is created by a body employee during their work time, copyright rests with Coventry County Body
- If you are using someone else's image you must get their written permission, and always credit the artist
- Images are protected for the lifetime of the creator and for 70 years after his/her death
- Downloading images from the internet and using them on your school/company website without the copyright owners consent may breach copyright laws, and could be considered a criminal offence, leading to heavy fines. Be aware that picture agencies and photographers are increasingly using software to track their images.
- If you put something on the web, you must obtain electronic global broadcasting rights from the owner of the copyright.

## **Context**

Be careful about the context in which you use an image, especially if it is of children.

- If you're using it for publicity specifically related to an event, there should be 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), always use a library picture. Using pictures of real children alongside these subjects could result in legal action by parents / carers.
- Do not use a photo in a context that is different to that stated on the consent form.
- Ensure that images cannot be construed as being provocative.
- When taking/using images, be representative of diversity by reflecting gender, race and disability. New media 'New media' describes anything that relies on digital technology or computerised methods of communication, for example the internet, email, electronic kiosks, multimedia CD-Roms, mobile phones, podcasts, webcams etc. New media is becoming more widely used; along with this increased use comes an increased responsibility to consider how we use images safely within the new technology. The information shared by new media is more accessible than in non-digital formats; it is easy for people to amend, manipulate or copy images, which makes them more open to abuse. As such we must be more vigilant than ever about obtaining the relevant consent to publish images, how we publish them and monitoring their use. If you plan to use an image in any form of new media, you should obtain electronic global broadcasting rights from the owner of the copyright and ensure that the consent form states that the image will be used in digital formats, including the web.

If you are a web-publisher, do not use an image that has been uploaded onto the system by someone else without checking with the original publisher/owner that the relevant permissions have been obtained. If you notice that an image has been used without permission, refer the issue to a school manager. Do not pixellate (blur) an image in order to obscure the face of the person in it – use an alternative picture.

### ***Disability Discrimination Act (DDA)***

When using images in new media, you must comply with the DDA. The DDA applies to everyone who provides a service to the public. Service providers must ensure that they do not discriminate against disabled persons when using new media images. In order to comply with the DDA, you will need to ensure that all images have meta-tags and that you do not overlay a photo with text.

### ***Releasing images to the media***

The legislation governing whether or not the media can publish an image, is complicated and ambiguous. If you are in any doubt about having an image published, do not release it to the media. If you do release an image to the media, be aware that you are responsible for checking that all the relevant written consents have been obtained for the people in it and the owner of the copyright agrees to the image being published. If the media publishes an image you have supplied and the consents have not been obtained, responsibility falls to you. The laws surrounding this issue are becoming stricter, especially for pictures of children. Be extremely cautious not to release any pictures of children who are in care, under wardship or involved in family law cases. The legal implications are serious. If you are in any doubt, contact the Coventry County Body press office for Advice.

### ***Section 2: Additional guidance for Baginton Fields School***

The governing body of Baginton Fields School has agreed the following policy for the school, and will review this policy in the light of any changes in legislation and the introduction of new technology.

In addition to the general guidance given in the first section of this document, school staff should also consider the following information to help them meet the requirements of the law whilst avoiding unnecessary restrictions. The filming and photographing of children in schools is becoming an increasingly complex issue – especially as the spread of information and images via websites and the internet is getting faster and more difficult to control.

At Baginton Fields, because of students' learning difficulties, video and photos are appropriate ways to record learning, as evidence of progress for parents, carers and the local authority. Photos are also used to help students to identify their own belongings – (a child's photo on their peg) – and to help them to recognise others in their class and school.

On a day to day basis the ultimate responsibility for decisions made about images lies with the headteacher, or deputy in his absence.

## ***The Data Protection Act 1998***

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools. Fear of breaching 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 activities and can film events at school.

However, photos taken for official school use may be covered by the Act. Parents will be advised why they are being taken and they will not be released without consent.

### ***Examples:***

- Photos taken of students in lessons, for example for the school prospectus, will be classed as personal data but will not breach the Act as long as the children and/or their guardians 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 school 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

### ***Consent:***

- Baginton Fields School will seek parental consent to take an image of a child and to publish it, whether that is in a publication, on a website or displayed in a public place (i.e. where visitors to the school could see it).
- The school will send a consent form out to parents /carers when the child first starts school and update consent information annually.
- If there is a change in a child's circumstances, it is the school's responsibility to consider the impact this may have on the consent given and will consult parents/carers accordingly.
- The school has a duty of care to ensure that any images used are in the right context and are appropriate.

### ***Important points to consider:***

Where one parent or carer does not give consent and the other does, consent is not given.

Staff will ensure that children are dressed appropriately and that images cannot be construed as provocative.

On appointment the school will seek consent of adults working at the school before their images are taken and published and keep the consent form in their personnel file.

Staff will use an image in the intended context only (as stated on the consent form) and not use it to illustrate sensitive or negative issues. Staff will not use images of a child who is considered vulnerable unless parents/carers have given specific written permission

Class teachers will regularly review stored images and delete unwanted material

If consent is not given, there will be a procedure to ensure that all staff are aware and staff will be expected to make every effort to comply sensitively.

Staff will take particular care with inter-school events. It may be necessary to liaise with staff from the other school.

When images are transmitted or shared beyond the establishment, specific permission will be obtained.

## ***School Events***

- The final decision of how what filming and photography to allow at school events lies with the headteacher
- The Senior Leadership Team will consider potential issues/difficult situations in advance and communicate with parents.

## ***Filming school plays and performances***

We know that many families like to film school events, in order to share this with their wider family, and to celebrate the efforts and achievements of their child. We would like this to continue. As long as parents are at the event at the invitation of the school and the subsequent images are intended for family or private use, there is no breach of the Data Protection Act. It is therefore up to the headteacher to decide whether or not to allow images to be taken by parents during an event.

When parents are permitted to take images, the school will remind them that they must be for private use only and ask for them not to put the images on the internet (particularly if a parent posts a picture on the web that shows children other than just their own child).

There may be children participating in the event who must not be publicly identified and therefore cannot be filmed/photographed. The Children Act 1989 states that no person should publish any material which is intended, or is likely to identify:

- a) any child as being involved in any proceedings before the High Court, a county court or a magistrates' court; or
- b) an address or school as being that of a child being involved in any such proceedings Children subject to care proceedings, wardship proceedings, adoption and/or any other family matter under the Children Act 1989 or Children or Adoption Act 2002, or
- c) subject to a Court Order arising from any of these proceedings must not be identified.

## ***The press and media***

For every instance where images are to be released to, or taken by, the press and media, the school will seek specific consent. This is because their circulation and coverage may be local, national or sometimes international and the associated storylines may be so varied as to make them unpredictable.

Almost without exception newspapers will prefer to publish the full names of anyone in a photograph they print. Newspapers will seldom print anonymous photographs. The only exception to this might be in a larger group shot, however newspapers usually prefer to work with smaller groups of students (3-4).

When the school invites a newspaper to celebrate an event, the school will not release names of students without prior agreement of parents/carers.

## ***External photographers***

If the school hires an external photographer/film-maker, there will be a written contract that sets out the terms and conditions agreed to by both parties. The photographer should:

- Agree to take appropriate measures to prevent unauthorised or unlawful processing of personal data
- Comply with the requirements set out in the Data Protection Act
- Use a secure storage area if storing photographs electronically

If a professional company attends to record a performance or production, this will be planned in advance. Parents will be contacted and their consent requested before the event.

If a photographer visits school on a regular basis (as defined in the Vetting and Barring System) then an enhanced CRB check will be sought, prior to them providing a service to the school. If for any reason a photographer is used on a one-off basis and does not have an enhanced CRB disclosure, they will be supervised at all times.

If a third party is being nominated to take images, they are acting behalf of the school and therefore are considered to be a data controller under the terms of the Data Protection Act. Parents will be informed of their identity, whether they are a member of staff, a member of the PTA, or from a commercial photographic agency.

### ***Webcams:***

The use of a webcam will be carefully considered in advance.

As with photos, the school will tell parents why the webcam is there, what the images will be used for and who might want to look at the pictures. With videoconferencing, the images are sent over the web and may be recorded by the recipient for educational purposes.

### ***Mobile phones with cameras:***

Staff must not use personal camera phones to capture any images associated with their work or work place.

### ***Websites:***

Particular care will be taken when considering the publication of information on the internet. Articles would be screened carefully to ensure that students cannot be individually identified by name or any other means.

Parents and carers will have an opportunity to request that images of their child are not included on the website.

Staff using a digital camera during school activities will be made aware of the students who may not be included in photographs.

The school has a recognised procedure, i.e. a senior member of staff responsible for the website, a clear policy and approval process re: uploading images, and a process for checking it regularly and responding to any issues with images.

Images will not be saved with a child's name in the filename and not saved into the website folder unless they have been re-sized and school has parental permission to use them.

### ***Resources:***

Data Protection Act 1998

[www.hmso.gov.uk/acts/acts1998/19980029.htm](http://www.hmso.gov.uk/acts/acts1998/19980029.htm)

Office of the Information Commissioner

[www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)

Information Commissioner's Office on: 08456 306060

[www.ico.gov.uk](http://www.ico.gov.uk)

school websites and e-safety, visit

[www.becta.org.uk](http://www.becta.org.uk)

### ***Image consent form – Staff.***

We sometimes take photographs or video footage for publicity purposes. These images may appear in our printed publications and publicity materials, on our website, or both.

We may also send the images to the news media, who may use them in printed publications and on their website, and store them in their archive. They may also syndicate the photos to other media for possible use, either in printed publications, or on websites, or both. When we submit photographs and information to the media, we have no control on when, where, if or how they will be used.

The images we take will be of activities that show students / school staff / school in a positive light. The images will not be associated with negative, distressing or sensitive issues to do with an individual's welfare or that may cause offence or embarrassment.

It is the responsibility of the senior staff to ensure that consent is obtained from parents/guardians/social workers, and that children or vulnerable adults who are at risk or cannot have their photograph taken for legal or social reasons, are not in the photograph.

Please note that websites can be viewed throughout the world, not just in the United Kingdom where UK law applies. In giving your consent, you understand that the photos may be used in both printed and electronic form.

We will take all reasonable measures to ensure the images are used solely for the purposes for which they are intended. However we cannot guarantee this and take no responsibility for the way images are used by other websites or publishers, or for any consequences arising from publication.

To give your consent, please answer the questions overleaf, then sign and date the form where shown and fill in any other relevant information.

### ***Image consent form for staff***

1. May we use your image(s), in our publicity material, including printed publications, video recordings and on our website?

Yes / No

2. We sometimes send publicity material about our services, including photographs where appropriate, to the news media and partner organisations, who may use the image in printed and/or electronic form and then store it in their archive. May we use your photograph, in this way?

Yes / No

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please print your name:

If applicable, please print your job title:

## ***Image consent form – Students***

We regularly take photographs and video of the children at our school and regularly make video recordings for monitoring or other educational use.

We may want to use these images in our school prospectus or in other printed publications that we produce, in displays and on our website. We also send images to the news media, or our school may be visited by the media who will take their own photographs or film footage (for example, of a visiting dignitary or other high profile event). Students will often appear in these images.

The news media may use the images in printed publications (including local or national newspapers), on televised news programmes or on their website. They then store them in their archive. They may also syndicate the photos to other media for possible use, either in printed publications, on websites, or both. When we submit photographs and information to the media, we have no control on when, where, if or how they will be used.

To comply with the Data Protection Act 1998, we need your permission before we can photograph or make any recordings of your child for publicity purposes.

### ***Conditions of use:***

1. This form is valid for the period of time your child attends this school. Images of your child will not be used after this time. Please write to the school if you wish to withdraw consent at any time.
2. The images we take will be of activities that show the school and children in a positive light.
3. Embarrassing or distressing images will not be used. The images will not be associated with negative or sensitive issues.
4. We may use group or class photographs or footage with very general labels e.g. 'science lesson'.
5. We will make every effort to ensure that we do not allow images to be taken of any children for whom we do not have permission or who are 'at risk' or disallowed from having their photographs taken for legal or social reasons.
6. We will take all reasonable measures to ensure the images are used solely for the purposes for which they are intended. However we cannot guarantee this and take no responsibility for the way images are used by other websites or publishers or for any consequences arising from publication.

Please note that websites can be viewed throughout the world and not just in the United Kingdom where UK law applies. In giving your consent you understand that images may be used in printed and electronic form.

To give your consent, please complete the information overleaf and return to the School.

I have read and understood the information overleaf.

Name of child: \_\_\_\_\_

Parent's or carer's signature: \_\_\_\_\_

Name (in block capitals) \_\_\_\_\_

Date: \_\_\_\_\_

I understand that video and still photography will be used to record my child's educational progress and to support a range of curriculum activities.

Yes / No

I give permission for my child's image to be used in any publicity for the school.

Yes / No

I give permission for my child's image to be taken and used in publicity material for the school, including printed and electronic publications, video and webcam recordings and on the school website.

Yes / No

I give permission for images of my child to be used by the news media in printed and/or electronic form and stored in their archives. This might include images sent to the news media by the school and images / footage the media may take themselves if invited to the school to cover an event.

Yes / No

If you require help completing this form or a translated version, please contact school.