

**St Joseph's Catholic Primary School**  
**The Use of Photographic Images of Children**  
**Guidelines**



This document provides guidance on the appropriate use of images of children in education. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff in St Joseph's who wish to use images of children and young people in education.

We need to make full and proper use of photographic images while complying with 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.

Photography can enhance pupil's learning, typical examples within schools include:

- 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(s).
- Media including newspapers and television especially when some editors require children's names when publishing photographs.
- Displays in the school of children's activities.
- Publications by the school.
- School web-site.
- Staff training and professional development activities.
- Site security / CCTV videos.

Human Rights legislation gives people certain rights and it is the right to 'privacy' that is the issue when using photographs. We must take steps that respect the rights of people in photographs. When taking a picture the school must obtain the consent of the person in the picture or from their parent or carer.

Use the image in its intended context. Examples of this not happening are:

- When a picture taken by a national newspaper of a child accepting an award was used by the National Front in a story with a completely different story angle.

Follow the commitment made in the consent forms:

- Not to name the child if specific consent is not provided;
- Not to use the photograph out of context;
- Not to use the photograph to illustrate sensitive or negative issues.

**Seeking Permission**

Use of images of children requires the consent of the parent / carer. Permission should always be obtained by using the agreed school form when a child joins the school.

The form covers the school 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 head teacher /office staff in writing.

There may be situations where the gaining of consent is not straightforward. For example the following situations:

- Parent(s)/Carer(s) have given consent but pupil does not want to be photographed
- Parent(s)/Carer(s) do not give consent but the pupil gives their consent and wants to be in the photograph
- One parent/carer consents and another does not

Your decision will be based on how you balance various individual's rights.

- No pupil should be forced in to having their photograph taken if they do not want to. If the pupil has sufficient understanding of the issues involved then the pupil can make the decision.
- When parents or carers disagree about the issue of consent then the decision of the parent with day to day responsibility (primary carer) for the pupil should be the one followed

When a parent does not agree to their child's photograph being used, the head teacher / manager must inform staff and staff must make every effort to comply.

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.

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

### **Photographing Children**

When photographing children:

- Ensure that parent(s) and/or the carer(s) of young people have signed and returned the school consent form for general photography.
- Ensure all children are appropriately dressed.
- Avoid images that only show a single child with no surrounding context of what they are learning or doing.
- Photographs of three or four children are more likely to also include their learning context.
- If a child has a specific vulnerability then it is important to take into consideration the vulnerability and place the child's welfare as paramount at all times. Do not use images of a child with a specific vulnerability without expressing concerns to parent and obtaining a specific written permission to proceed.
- Use photographs that represent the diversity of the young people participating.
- Report any concerns relating to any inappropriate or intrusive photography to the head teacher / SLT.
- Remember the duty of care and challenge any inappropriate behaviour or language.
- Do not use images that are likely to cause distress, upset or embarrassment.
- Regularly review stored images and delete unwanted material in accordance with the retention of records policy.

### **Inter-School Fixtures**

Apply these guidelines to inter-school events. If a child with a specific vulnerability is involved or any child where permission is withheld, it will be necessary to liaise with a member of staff from the other school 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 management team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

### **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.

### **Parents Evenings, Concerts, Presentations**

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

- Be aware that images of children participating in extracurricular events such as these that are taken for personal use are exempt from the Data Protection Act. These include uses such as parents taking photographs of sports day or grandfather videoing a school nativity.
- Ensure that children are appropriately dressed;
- Obtain parental permission with the school form;
- Be aware of any child who should not be photographed; and
- 'Monitor the use of cameras and anyone behaving inappropriately. If there are concerns, the head teacher or their representative with their authority, can require the person to cease using the camera or leave the premises, or can offer an option to stay but to hand in the camera for collection later'.

### **Children Photographing Each Other**

This practice can occur in various situations; both within school and during offsite activities particularly during residential periods. We should ensure that pupils are aware of the restrictions within the school of the use of mobile phones that possess photographic capabilities

There may be incidents where children take inappropriate photographs, perhaps showing friends and other children inappropriately dressed. Staff should actively manage situations to minimise the risk of this.

### **Use of photographs/Images as a record of a school trip**

If photographs are used to make a CD for each child to keep as a record of a visit then parents must be made aware of this usage and sign a separate consent form. All of the above guidance must still be followed.

### **Newspapers**

The publishing of photographs within local newspapers can increase the sense of the school being part of the community.

There are several scenarios which can occur:

#### ***Team photographs:***

When everyone is prepared to allow team photographs and Christian 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 / SLT should make every effort to ensure, in conjunction with the newspaper editors, that this occurs. Schools should be aware that some editors refuse to publish articles where photographs are not named. Depending on the circumstances the options may include to not proceed with the team photo or proceed with the child missing

### ***Photo opportunities:***

When a school invites a newspaper to celebrate an event, the head teacher / SLT 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 Christian names of anyone in a photograph they print. The only exception to this might be 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 often not print anonymous photographs. Schools 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 and the publication of names is withheld for one or more of the group - schools must be prepared to forego newspaper publicity.

### **Use of Internet / Intranet Sites/ School website**

Many schools will have an Internet / intranet facility. The site manager should know good practice and ensure that the school 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.

\*Section 576 of the Education Act 1996 defines 'parent' as:

- All natural parents, whether they are married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that the child lives with and is looked after by that person, irrespective of what their relationship is).

