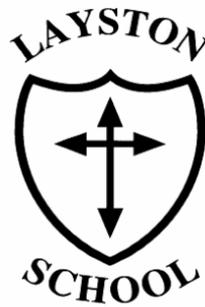




Layston C of E First School



Safe Use of Images Policy

Reviewed and revised Oct 2021

Revision Date Oct 2023

Policy Review

This policy will be reviewed in full by the Governing Body bi-annually.

The policy was last reviewed and agreed by the Governing Body in November 2021

It is due for review in Autumn Term 2023 (up to 2 years from the above date) by the Governing Body.

Signature

Date

Head Teacher

Signature

Date

Chair of Governors



SAFE USE OF IMAGES POLICY

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Section 1: General guidance for all county council staff

Using a commercial image library

If the image is from a commercial image library, there is usually quite a bit of flexibility about how it can be used. It is always best to check in case there are restrictions, as some will not be usable for social services issues or for publicity larger than A3 size (posters, billboards etc.).

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 pupils' 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)

Please see **appendix 1** for an example of a consent form, which is also available in the communicating section of Connect. It can be tailored to your individual needs. 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 council employee during their work time, copyright rests with Hertfordshire County Council.
- . 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 the Knowledge Management Unit (ext 28038).

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. For further advice, contact your communications team.

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 Hertfordshire County Council press office for advice.

Image library

The county council now has an image library containing a wide variety of images that can be used for presentations, leaflets, newsletters etc. You can find the image library at <https://dab.hertscc.gov.uk>

The images have been checked for copyright and image use permissions so they can be used with confidence. The information accompanying each image lists the conditions of use and you must make sure that you stick to these. If you are uploading images to the library, you must make sure you have the permission of the copyright holder and any person shown in the image. You must also record the copyright and image use information with the file so other users can clearly see any restrictions on using the image.

For more information on the image library go to <http://connect.hertscc.gov.uk/connect/news/images/imagelib/?view=connect>

Section 2: School Specific Guidance

In addition to the general guidance given in the first section of this document, schools 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. Newer technologies can be very positive tools in helping children's development. Explaining this to parents can help them understand why they are being introduced into schools.

More guidance for schools is available on the Hertfordshire Grid for Learning website (HGfL).

Get the backing of your board of governors

Ultimate responsibility for decisions made about images lies with the headteacher, so it is extremely important to get the backing of the board of governors in whatever policy the head decides to take.

Plan well in advance and give enough time to communicate with parents/carers (and external agencies where necessary) before taking or publishing photos or holding events where filming/photography might be an issue.

The Data Protection Act 1998

The Information Commissioner's Office has issued good practice guidance for schools, colleges and universities, giving advice on taking photographs in educational institutions and the Data Protection Act. 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. Pupils and students should be advised why they are being taken and they cannot be released without consent.

Some examples

- .Identity passes - these are for official school use and are likely to be stored electronically with other personal data and the terms of the Act will apply.
- .Photos taken of pupils 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

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.

Further information

If you need any more information about this or any other aspect of data protection, you can contact the Information Commissioner's Office on: 08456 306060 or via the website www.ico.gov.uk

Consent

Always obtain written 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).

To minimise administration, most schools send a consent form out to parents / carers when the child first starts school and ensure that it lasts for the entire period the child attends.

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 (some schools annually ask parents if they want to change the permission).

Schools have 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.
- . Try to only take photos of groups of children unless you specifically need to take a picture of an individual child.
- . Ensure that children are dressed appropriately and that images cannot be construed as provocative. In-depth advice on taking pictures of children in sports settings is available at:
www.isrm.co.uk/information/270_photography_children.pdf
- . Adults who work at the school should also give consent before their images are taken and published; keep the consent form in their personnel file.
- . Do not use an image of a child who is no longer at the school, or if you are unsure what the original terms of usage were/who owns the copyright.
- . Use an image in the intended context only (as stated on the consent form) and do not use it to illustrate sensitive or negative issues.
- . Do not use images of a child who is considered vulnerable unless parents/carers have given specific written permission
- . Regularly review stored images and delete unwanted material
- . If consent is not given, ensure that all staff are aware and make every effort to comply sensitively. Be careful 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 should be obtained.
- . Allocate specific times during school outings and educational visits for photographs to be taken in the appropriate setting and areas.

See **appendix 2** for a template consent form, which can be adapted for your individual requirements.

School Events

The decision of how your school handles filming and photography at school events lies with the headteacher. Always get the backing of the board of governors. Plan carefully, think through potential issues/difficult situations in advance and communicate with parents clearly.

Are parents/carers allowed to film school plays and performances?

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.

If parents are permitted to take images, make it clear from the start 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). You might want to provide written guidance to parents beforehand and/or make an announcement at the start of the event. Be aware of any 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 subject to a Court Order arising from any of these proceedings must not be identified. Plan how to handle the situation carefully to see if there is a way you can avoid a restriction or ban on photography.

You may feel it is acceptable to restrict the use of photography by parents, either to prevent members of the audience obstructing the professional photographer/filmmaker, or because professionally produced photographs/recording are going to be sold to raise funds for the school.

You may decide to allocate a space at the back of the hall where parents can film their own videos. This is likely to be less provocative than a total ban. If you have no choice but to ban photography, then communicate your decision with parents clearly and in plenty of time before the event takes place, explaining why you have taken this decision. Give parents the opportunity to feedback any concerns.

It is likely to be less inflammatory if a child can be kept out of the limelight rather than issuing a blanket ban on filming and photography. Should you require further guidance, contact your communications team.

The press and media

For every instance where images are to be released to, or taken by, the press and media, you should get specific written 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.

When a school invites a newspaper to celebrate an event, the head 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 full names of anyone in a photograph they print. The only exception to this might be in a larger group shot, however newspapers usually prefer to work with smaller groups of children (3-4). Newspapers will not print anonymous photographs.

It is your responsibility to ensure that the photographer knows which children cannot be photographed and that they agree to this. You may have to offer only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities. It might be possible to negotiate a 'first name only' agreement with the newspaper, otherwise you may have to forego newspaper publicity.

Remember:

- . The Data Protection Act exempts newspapers and magazines from compliance in relation to some aspects of the processing of personal data where this would be damaging to freedom to expression.
- . Journalists are unlikely to cover events if they are told that they cannot print the names of the children in the images
- . The school does not breach the Data Protection Act if it allows the press to photograph children unless it gives out pupils' personal details. If the photographer collects the names of the children it is not breaching the Act.
- . If the school has obtained specific written parental consent to release children's names to the press alongside photographs then they can give out these details without breaching the Act.

- . When the press has captured an image, they - and not the school - become the data controller of it. Any objections/ representations about the image will therefore need to be made to the media organisation rather than the school. Be aware that headteachers do not have jurisdiction over the media.
- . Be extremely cautious not to publish or put out to the media any pictures of children who are in care, wardship or involved in family law cases - the legal implications are serious.
- . Consider whether team photos are appropriate, especially if a child is considered 'vulnerable'.

The DCSF recognises that there is an understandable anxiety surrounding the use of images of children in newspapers. It also recognises that local newspapers play an important part in reporting the achievements and challenges facing local schools and their pupils, and therefore a co-operative arrangement is beneficial.

If a school or parents have concerns regarding the use of photographs by the press they should contact the Press Complaints Commission (PCC). The PCC also publishes a Code of Practice - visit www.pcc.org.uk to download a copy.

External photographers

If you are hiring an external photographer/film-maker, you should have a written contract that sets out the terms and conditions you both agree to. 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 you decide to get a professional company in to record a performance or production, plan this carefully. Notify parents and get their consent in good time, stating clearly what is happening and your reasons for this.

Appropriate safeguarding procedures should be put in place for anyone on the school premises filming performances or taking photographs.

If a photographer visits schools on a regular basis then an enhanced CRB check must be sought, prior to them providing a service to the school. The CRB

certificate should be seen by the school along with photographic ID. The photographer should be given the safeguarding document relating to appropriate behaviour on school sites, downloadable from:

http://www.thegrid.org.uk/info/human_resources/crb.shtml#contractors

If for any reason a photographer is used on a one-off basis and does not have an enhanced CRB disclosure, then they must be supervised at all times. If you have any queries relating to this, then please contact the CRB team on 01992 556829.

If a third party is being nominated to take images, they are acting on your behalf and therefore considered to be a data controller under the terms of the Data

Protection Act (visit www.ico.gov.uk for more information). You must inform parents of their identity and any representatives appointed by them, irrespective of whether they are a member of staff, a member of the PTA, or from a commercial photographic agency.

Webcams

If you are considering installing a webcam, think about **why** you want one.

Although you may want to show people part of your school on a 'real-time' basis, there are a number of issues to consider:

Does your school need a webcam?

It is unlikely that a webcam could realistically be used as a security device; would-be thieves could visit the website to see which areas of the school are not covered by the camera. It might also highlight when the school buildings are unoccupied.

Will it be placed somewhere that:

- is worth relaying live to the rest of the world
- is 'sensitive'
- could capture images of a child for whom you do not have parental consent to film/photograph
- excludes a child for whom you do not have permission to film from
- using a particular part of the school

Notification and legislation

You should notify people that they are entering an area that is being filmed by a webcam. Consider other potential issues, for example if an incident occurred within view of the webcam, would the police or other authorities request images from the webcam? Could they be used in legal proceedings?

The answers are unclear, but the issues will need to be addressed when considering whether to install a webcam, and the headteacher should ensure that they have the agreement of the governing body to any decision that is taken.

When can a webcam be used safely?

- . Where images from the webcam are sent to the school intranet or a number of machines within the school

- . Where the scene in view of the webcam is such that it does not raise any of the issues listed above, such as an experiment that is underway or the observation of an aspect of the school which can be used in lessons, for example 'what do the school's resident stick insects do at night?'

- . While video-conferencing with another school or institution

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

Further advice regarding webcams is available from the HGfL team on 01582 830263.

Mobile phones with cameras

Mobile phones make it very easy for images to be captured and put on the internet.

Schools should be aware of the potential risks of camera phones and consider their position very carefully with regards to allowing them on site.

Many sports centres ban the use of mobile phones with cameras from changing areas, swimming pools etc. Camera phones also pose other risks, such as their use in bullying incidents and the confidentiality risk for documents, e.g. examination papers.

Schools should have a mobile phone usage policy in place and should ensure that it reflects the use of camera phone technology.

Websites

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

Factors to consider when using images on the school website:

- . Have you notified parents and carers that you have a website and given them the opportunity to request that images of their child are not included on it?
- . Have consent forms been completed for the use of images of both children and adults?
- . Are staff who are using a digital camera during school activities aware of the pupils who may not be included in photographs?
- . Do you have 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.
- . Do not save images with a child's name in the filename and do not save images into your website folder unless they have been re-sized and you have parental permission to use them.
- . Would drawings of students or staff be more appropriate than photos as a means of exemplifying good work?

The suitability of images for a school website

The resolution of an image is important to consider when publishing images on a school's web site, especially if the images have been taken using a digital camera, which tends to produce images of a very high resolution and quality. Such images need resizing to a smaller size before they can be safely used, otherwise it is possible to manipulate images in a way which can change their meaning or context.

The potential for digital manipulation of any image depends on the amount of information contained within that image. The higher the resolution, the more detail is contained in the image. If the image has an unnecessarily high resolution it is possible for it to be re-used in ways which might be inappropriate - a photograph of a child's body or head could be superimposed upon another body or scene which might be extremely inappropriate and this

could put the child at risk. The potential for this is not confined to images of children - images of staff could be similarly manipulated by those wishing to embarrass or harass them.

Try to use group photos rather than photos of individual children.

For further advice on school websites and e-safety, visit www.becta.org.uk

There is also detailed guidance about putting images on websites on the HGfL.

Resources

Data Protection Act 1998

www.hmso.gov.uk/acts/acts1998/19980029.htm

Office of the Information Commissioner

www.dataprotection.gov.uk

Hertfordshire Grid for Learning Web Safety Issues for Schools

www.thegrid.org.uk/schoolweb/safety/index.shtml

Hampshire County Council: Using images of people: photographs, videos and webcams

www.hants.gov.uk/logos/cx-logos-corporatestandards/cx-logosimagesofpeople.htm



LAYSTON FIRST SCHOOL

Image consent form

Occasionally, we take photographs of the children at our school. We may use these images in our school prospectus or in other printed publications that we produce, in displays and on our website. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use.

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). Pupils 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.

Conditions of use:

1. This form is valid for the period of time your child attends this school. 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 will only use images of pupils who are suitably dressed.
5. Only children's first names will be used in any photograph captions.
6. 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.
7. 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 the form to the school.

Please tick those that apply:

I give permission for my child's photo to be taken and used in school displays, in newsletters, on the school's website and in video recordings made as part of the school curriculum.

I give permission for photos of my child to be used by the news media eg the local paper. This might include photos sent to the news media by the school and pictures / footage the media may take themselves if invited to the school to cover an event eg Christmas Fair. I am aware that photos may be stored in their archives.

I do not want my child's photo used in any publicity

I have read and understood the information overleaf.

Name of child:

Parent's or carer's signature: _____

Name (in block capitals) _____

Date: _____

School: _____

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

Photography at events is on the understanding that photographs that contain images of children other than your own, or identify the school, will not be posted on the internet due to potential safeguarding issues. Provided no other children are included in the photograph and the school is not identified you will be permitted to upload images of your own child/children.

Respecting and caring for the school community when sharing photographs and video content



We are happy for parents and carers to take photographs and video the school production for personal use. However, we request that images are not shared on any social media networking sites online. This is to protect all members of our school community

For further information please see the leaflet titled **'School guide for safe and responsible use of images'**

Thank you for your support