



# **USE OF IMAGES OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS IN EDUCATION SETTINGS**

## **GUIDELINES FOR SCHOOLS\***

**January 2013**

\*Includes all LA Maintained schools, academies, short stay schools, free schools, independent schools and FE colleges.

## **Background information**

Schools need and welcome publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale, and help parents and the local community identify and celebrate the school's achievements. However, photographs and images must be used in a responsible way.

In May 2004, section 45 of the Sex Offences Act 2003 amended Section 1 of the Protection of Children Act 1978 by raising the age of a 'child' from 16 to 18. This means it is now an offence to 'take, make, allow to take, distribute, show, possess with intent to distribute, or advertise indecent photos or pseudo photographs of children under the age of 18.

The following guidelines are provided to assist schools to formulate relevant policies and protocols.

## **Images taking by parents, legal guardians or family members at a school event**

Schools may choose either to allow images to be taken at school events or to discourage it. In formulating a policy schools may wish to consider the inclusion of one of the following options.

### **Option 1**

- Parents, legal guardians, family members and friends can take images of their child and friends participating in school activities for family and personal use
- Parents will be asked for their permission before photography is allowed
- Before they are allowed to take images during school activities, parents or legal guardians have to sign an agreement that any images they take will not be used inappropriately
- Parents or family members wishing to take images during an activity will be asked to sign a dated register
- Photography and video filming will be limited to designated areas
- The school will ensure that children are appropriately dressed
- The school will ensure that children who should not be photographed, for example those whose parents/legal guardians have refused consent, are not included in any images
- Use of cameras and other equipment will be monitored

### **Option 2**

- Filming or photographing of school events by parents is discouraged. The school will record the event and make copies available to all parents, for which there may be a charge

## **Images for school publications**

- Schools should only take and use images that are appropriate and are considered to not be open to misuse.

- If an image of a child is used, the child's name **must not** be published. If a name is published, **no image should be used** without specific consent.
- Children and their parents/legal guardians will be made aware of why their picture is being taken and how it will be used.
- Schools should ensure that images of a single child with no surrounding context of what they are learning or doing will be avoided.
- Children and parents should be encouraged to recognise the value of group photographs or recordings of school events.
- Schools should recognise that images must not be used to cause distress, upset or embarrassment.
- Schools should use photographs that represent the diversity of the children/young people participating.
- Images must be kept securely and held by the school for the duration of the pupil's time there, after which, they must be destroyed.
- Images of children from the school must not be used to illustrate controversial subjects.

### **Images for the school website**

School websites are part of the internet and are more easily accessible than paper based school publications. Schools should make sure that only appropriate images are used. Image filenames must avoid using children's names. The storage of electronic images must be regularly reviewed by a senior member of staff.

### **Children photographing one another**

- Staff should supervise and maintain control over any photographing pupils take during on-school or off-site activities.
- Camera phones are less visible and can be used to bully or take inappropriate images. If it is school policy to allow pupils to bring camera phones on site, their use should not be permitted in changing rooms, toilets or in other areas with a heightened expectation of privacy<sup>1</sup>.
- If it is found that cameras or camera phones have been misused, the school will follow the disciplinary procedures as outlined in the school's cyber-bullying policy. In some cases it maybe necessary for the school to contact the Children's Social Work and Psychology Service and/or the police.

### **Official press photographs**

If official press photographs or images are taken at a school event, there are special provisions within the Data Protection Act which permit the press to publish material for journalistic purposes. However, consent should still be sought from parents/guardians prior to any press activity.

### **Storage**

Images should be stored within a dated file with restricted access to appropriate members of school staff. Images should be destroyed two years after the date of consent unless further consent has been obtained for future use. If images exist of children that were obtained without consent, they should not be used and must be destroyed.

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<sup>1</sup> Please amend to suit your school policy on the use of mobile phones

## **Webcams**

Webcams are a useful tool for learning. They can allow an individual or class to interact over the internet with others and support links between pupils in different schools, countries and cultures. Webcams should only be used in appropriate circumstances such as a normal class setting. Both children and teachers should be made aware of when a webcam is in use.

## **CCTV**

The Department for Education expects schools to comply with the CCTV Code of Practice issued by the Information Commissioner's Office (revised 2008).

Schools and authorities are under an obligation to comply with the Data Protection Act as images captured by CCTV are likely to be personal data and must be kept secure in accordance with the Act.

You must let people know that they are in an area where CCTV surveillance is being carried out. The most effective way of doing this is by using prominently placed signs at the entrance to the CCTV zone and reinforcing this with further signs inside the area. Clear and prominent signs are particularly important where the cameras themselves are very discreet, or in locations where people might not expect to be under surveillance. As a general rule, signs should be more prominent and frequent where it would otherwise be less obvious to people that they are on CCTV. The decision to install cameras in an area where there is an expectation of privacy should be carefully considered along with the proportionality of use and what policies and safeguards can be put into place. Schools may use CCTV in some areas of school property as a security measure.

Full guidance on the use of CCTV can be found on the Information Commissioners website on

[http://www.ico.gov.uk/for\\_organisations/guidance\\_index/~media/documents/library/Data\\_Protection/Detailed\\_specialist\\_guides/ICO\\_CCTVFINAL\\_2301.ashx](http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Data_Protection/Detailed_specialist_guides/ICO_CCTVFINAL_2301.ashx)

## **Data Protection (see also Appendix 1, Data Protection Good Practice Guidance Note)**

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with pleasure.

## **Consent (see also Appendix 2 for model consent statement)**

You must obtain written consent from the parent/guardian or a child or young person under the age of 18 years before taking any photographs or making any digital or video recordings of that child or young person when they can be clearly recognised in an image. This is because an image of a child is personal data for the purposes of the Data Protection Act 1998 and it is a requirement of the Act that consent is obtained. Failure to obtain consent may result in prosecution.

Consent lets the parent/guardian know why the image is being taken/used, how long it will be kept and when/how it may be used. If there is more than one purpose it

must be listed and the parent/guardian should be given the option to opt out if there is more than one purpose.

Consent must be sought prior to the photographs being taken and used. Parental/guardian consent will need to be given to allow photographs to be taken. Parents/guardians must be asked to sign to say they agree to photographs being taken, used and stored.

It is always preferable that the consent of a parent/guardian is obtained in writing. It is recognised, however, that it may not always be possible to obtain written consent and, in these circumstances, verbal consent may be acceptable. If verbal consent is obtained it should be recorded in writing by the member of staff obtaining the consent, with written consent being obtained as soon as possible.

Images should be destroyed two years after the date on the consent form unless further consent has been obtained for future use. If images exist of children that were obtained without consent, they should not be used and must be destroyed.

**Last reviewed November 2012**

## APPENDIX 1

### DATA PROTECTION GOOD PRACTICE NOTE TAKING PHOTOGRAPHS IN SCHOOLS<sup>2</sup>

#### Aim of this guidance

This Good Practice Guidance, produced and updated in 2010 by the Information Commissioner's Office (IOC), is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

#### Recommended Good Practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provision of the Act should not be wrongly used to stop people taking photographs or videos which provide many with pleasure.

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.

Photos taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.

Photos taken purely for personal use are exempt from the Act.

#### EXAMPLES

##### Personal use:

- A parent takes a photograph of their child and some friends taking part in the school Sports' Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

##### Official school use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will

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<sup>2</sup> Good Practice Guidance, Information Commissioner's Office, 2010

not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

**Media use:**

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act.

The Data Protection Act should not be wrongly cited to stop people taking photographs or filming videos.

## APPENDIX 2

### Consent statement Use of Photographs & Images

.....  
(Insert name of school)  
adheres to all the principals of the Data Protection Act 1998.

|                      |  |
|----------------------|--|
| Name of child        |  |
| Name of parent/carer |  |

As the parent/carer I give consent for .....(insert school name) to take photographs/images appropriately for the duration of my child's time at the school. The school may (**tick those that apply**):

|                                     |                                                                                                                          |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Use my child's photograph/image in publicising or promoting an official event organised by the school                    |
| <input checked="" type="checkbox"/> | Use my child's photograph/image in official promotional publications produced by the school                              |
| <input checked="" type="checkbox"/> | Use my child's photograph/image on the school website or intranet understanding the image can be viewed on the internet. |

If the school policy is to allow parents to take images at official school events (**please tick those that apply**):

|                                     |                                                                                                                                                                                          |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | I give consent for my child to be included in any images taken by other parents or carers who wish to photograph or record official schools events in which their child is participating |
| <input checked="" type="checkbox"/> | I confirm that any images I take at official school events will not be used inappropriately                                                                                              |

I understand that photographs and images will be stored electronically on password protected and access controlled computer systems and will be deleted after 2 years. I may withdraw my consent at any time by writing to the school.

| Name (please print) | Signature | Date of consent |
|---------------------|-----------|-----------------|
|                     |           |                 |

**Please return completed form to:** (Insert return address)