

# MEATH GREEN JUNIOR SCHOOL



## GUIDANCE FOR USING IMAGES OF CHILDREN: PHOTOGRAPHS, VIDEOS, WEBSITES AND WEBCAMS

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## **Introduction**

The school have decided to adopt this policy following SCC guidelines. We live in an age in which digital technology has vastly increased the use, and potential misuse of photography. Publicity around such issues has led the SSCB to develop this multi-agency policy about the use of such images.

It is commonly believed that most children who are abused know their abuser and the risk of a child being directly targeted for abuse through being identified by a stranger is minimal and therefore providing that reasonable steps are taken in planning events where video or photography is being used the practice should be allowed. Children who have been previously abused in this way may feel threatened by the use of photography, filming etc and staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

Generally, photographs for school, club and family use and those that appear in the press are a source of pleasure and pride which we believe usually enhances self-esteem for children and young people and their families and the practice should continue within safe practice guidelines.

The following guidance should be used by all organisations that work with children in Surrey but should be compatible with their internal policies.

## **1. Consent**

The General Data Protection Regulation (GDPR) 2018 affects our use of photography. This is because an image of a child is personal data for the purpose of the Act and it is a requirement that consent is obtained from the parent of a child or young person under the age of 18 years for any photographs or video recordings for the purposes beyond the activity of the organisation. It is also important to ascertain the views of the children or young people involved. (A consent form can be found at the end of this document). Where children are Looked After organisations must check consent with the Social Worker on the corporate parent's behalf.

Consent gained for photographs or videos may not extend to website or webcam use so it is important to check the status of existing consent when introducing such technology.

Parents retain the right to withdraw consent at any stage but they need to do so in writing.

For schools who may want to take a number of photographs during the course of a school year a single consent form for that year should suffice. For other organisations for whom it may be a less frequent or one-off event it may be necessary to seek consent for each occasion. Whatever course is chosen it should be clear to parents what period is being covered by the consent form.

## **2. Planning Photographs of Children**

Publication or sharing of images and details of pupils from schools or clubs allow for the remote possibility that people outside could identify and then attempt to contact them directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, use general shots of group activities rather than close up pictures of individual children. Consider the camera angle; photographs taken over the shoulder or from behind are less identifiable.
- Use images of children in suitable dress and take care photographing sports

activities to maintain modesty.

- Consider alternatives. Is a photograph of the children necessary or could an article be illustrated by the children's work for example?

### **3. Identifying Children**

The DfE advises the following as a broad rule of thumb where consent is unclear:

- If the child is named avoid using their photograph. If the photograph is used, avoid naming the child.

We recommend that:

- You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the child's name.
- When fully naming children in any published text, whether in a brochure, on a website or in the local press, avoid using their photograph unless you have parental consent to do so.

### **4. Using Photographs of Children Supplied by a Third Party**

Copyright exists in commercial photographs and generally rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting it and to control how other people use it.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain written permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the internet are also subject to copyright.

Third parties will generally be under the same obligations as your organisation to obtain parental consent to the use and distribution of photographs. You should therefore ask the third party to guarantee to you that all relevant consents have been given and that they are entitled to provide you with the image.

### **5. Use of Images of Children by the Press**

(Please also refer to the recommendations in Section 3 above, Identifying Pupils)

There may be occasions when the press take photographs of children at Meath Green Junior School when they are taking part in a larger event, e.g. sports gathering. The same guidance regarding consent applies on those occasions.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given the school's responsibility to parents and pupils it is sensible to check that any broadcasters or press photographers are aware of the sensitivity in detailed captioning, one to one interviews and close photography.

### **6. Brochures, School Prospectus and Publicity Material**

It is always best to avoid using personal details or full names of any child in any promotional material. Follow the DfE advice above.

### **7. Videos**

You must have parental consent before any child can appear in a video.

Parents can video record events for their own personal and family use as they are not covered by the General Data Protection Regulation<sup>5</sup>. (Please also refer to Section 10).

Potential

difficulties in this area could be avoided if the organisation adopts the policy of taking an official video of the event and making copies available to parents at an agreed cost.

### **8. Websites**

This is an area that gives particular concern to parents because of the potential misuse of images by paedophiles. With digital photography there is the remote possibility that images of children could be produced, manipulated and circulated without the parent's permission or children's knowledge. The dual concern which follows such a risk is that children might be exploited and an organisation may be criticised or face action.

It is important to take care with identification and to respect parental views on the use of any photography on a website.

## **9. Webcams**

The regulations for using webcams are similar to those for CCTV (closed-circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter the area in order to consent to being viewed in this way. Children should be consulted and adults would need to consent as well as the parents of all the affected children.

In gaining consent, you must tell the person why the webcam is there, what you will use the images for and what security measures are in place to protect access.

## **10. Parental Rights to Take Photographs**

Parents are not covered by the General Data Protection Regulation if they are taking photographs or making a video recording for their own private use. The Regulation does not therefore stop parents from taking photographs or making video recordings at such events as plays or sports events.

Parents are not permitted to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of an event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the General Data Protection Regulation would be breached. The consent form reminds parents of this fact.

The important aspect is to be sure that people with no connection with Meath Green Junior School do not have the opportunity to film covertly. Staff are aware of anyone they do not recognise who is using a camera or video recorder at events and productions and this instruction is included in the parent/guardian consent form.

## **11. The Storage of Photographs**

Photographs must be maintained securely for authorised use only and disposed of either by return to the child, parents or shredded as appropriate.

## **12. Official Photographs**

Many organisations, particularly schools will periodically invite an official photographer into their setting to take portraits/photographs of individual children and or groups. It is essential that when considering such an activity organisations undertake their own risk assessment in terms of the validity of the photographer/agency involved and establish what checks and vetting has taken been undertaken. Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present.

## **13. Useful Sources of Information**

The Information Commission [www.ico.org.uk](http://www.ico.org.uk)  
Press Complaints Commission [www.pcc.org.uk](http://www.pcc.org.uk)  
Internet Watch Foundation [www.iwf.org.uk](http://www.iwf.org.uk)  
Department for Education & Skills [www.gov.uk/schools](http://www.gov.uk/schools)

We recommend that you visit the *Child Exploitation and Online Protection Centre* [www.ceop.police.uk](http://www.ceop.police.uk)