

## **Use of Photographic & Video Images**

<b>Date</b>	<b>Review Date</b>	<b>Coordinator</b>	<b>Nominated Governor</b>
<b>March 2017</b>	<b>March 2018</b>	<b>PJMalcolm</b>	<b>CJones</b>

We believe this policy relates to the following legislation:

- Children Act 1989
- Education Act 1996
- Data Protection Act 1998
- Human Rights Act 1998
- Education Act 2002
- Children Act 2004
- Safeguarding Children: Working Together Under the Children Act 2004 (2006) (Wales)
- Safeguarding Vulnerable Groups Act 2006
- Education and Inspections Act 2006
- Children and Young Persons Act 2008
- Equality Act 2010
- Protection of Freedoms Act 2012
- Special Educational Needs and Disability (Detained Persons) Regulations 2015

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Special Educational Needs and Disability Code of Practice: 0 to 25 Years. Statutory Guidance for Organisations Who Work With and Support Children and Young People with Special Educational Needs and Disabilities (DfE) and (DoH)
- Dealing with Allegations of Abuse against Teachers and other Staff: Guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children

We believe there is no law stopping parents from taking photographs of their children at school events as photographs taken purely for personal use are exempt from the Data Protection Act 1998.

We understand that photographs taken for official school use and stored electronically with other personal data may be covered by the Data Protection Act 1998. We will take a common sense approach by informing and seeking the permission of pupils and their parents before any form of publication.

We will inform parents when the school has given permission for an official press photographer to take photographs during a school event which will then appear in the local press or in some other publication.

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We believe this policy complies with the requirements of the Data Protection Act and also allows parents/carers to capture those precious moments when their children are taking part in school events. However, we still feel it courteous to seek the permission of parents/carers when we want to use images of their children in the school prospectus, on the school website, be used on a webcam for internal school use only, appear in printed educational publications, or appear on a professional video that will later be sold to raise money for the school.

We believe we have a duty to prevent the unauthorised taking and publication of images of school personnel.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

### **Aims**

- To provide a common sense approach to the taking of photographic and video images of children during school events.
- To comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998.
- To work with other schools and the local authority to share good practice in order to improve this policy.

### **Responsibility for the Policy and Procedure**

### **Role of the Governing Body**

The Governing Body:

- has delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- will decide the conditions that apply to the taking of photographs at all school events in order that children are kept safe and that the performance is not disrupted and children and staff are not distracted;
- has a duty to prevent unauthorised taking and publication of images of school personnel;
- will protect the rights of school personnel by:
  - banning the use of mobile photographic phones by pupils in school;
  - where a parent takes a photograph of a member of the school personnel without that person's permission then we will request that the image is destroyed;

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- obtaining their permission to use their photographic image on the school website or in a school publication
- has responsibility for ensuring that the school complies with all equalities legislation;
- has nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- has responsibility for ensuring funding is in place to support this policy;
- has responsibility for ensuring this policy and all policies are maintained and updated regularly;
- make effective use of relevant research and information to improve this policy;
- has responsibility for ensuring all policies are made available to parents;
- has the responsibility of involving the School Council in the development, approval, implementation and review of this policy;
- has nominated a link governor to visit the school regularly, to liaise with the Headteacher and the coordinator and to report back to the Governing Body;
- has responsibility for the effective implementation, monitoring and evaluation of this policy.

#### **Role of the Headteacher**

The Headteacher will:

- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- protect the rights of all children in the school;
- protect the rights of school personnel;
- work closely with the link governor and coordinator;
- provide leadership and vision in respect of equality;
- make effective use of relevant research and information to improve this policy;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy by speaking with pupils, school personnel, parents and governors;
- annually report to the Governing Body on the success and development of this policy.

#### **Role of the Nominated Governor**

The Nominated Governor will:

- work closely with the Headteacher and the coordinator;
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- attend training related to this policy;
- report to the Governing Body every term;
- annually report to the Governing Body on the success and development of this policy

#### **Role of School Personnel**

The Governing Body acknowledges that:

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- school personnel have the right not to have their photograph taken without their express consent;
- under Article 8 of the Convention – Human Rights Act 1998 that individuals have the ‘right to respect for private and family life.’ This right is infringed where images of employees are taken without their consent, and especially where these images are manipulated or published without their consent

School personnel will:

- comply with all aspects of this policy;
- be aware of all other linked policies;
- maintain high standards of ethics and behaviour within and outside school and not to undermine fundamental British values;
- work in partnership parents and carers keeping them up to date with their child's progress and behaviour at school;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

### **Role of Pupils**

Pupils will:

- be aware of and comply with this policy;
- listen carefully to all instructions given by the teacher;
- ask for further help if they do not understand;
- treat others, their work and equipment with respect;
- support the school Code of Conduct and guidance necessary to ensure the smooth running of the school;
- liaise with the school council;
- take part in questionnaires and surveys

### **Role of the School Council**

The School Council will be involved in:

- determining this policy with the Governing Body;
- discussing improvements to this policy during the school year;
- organise surveys to gauge the thoughts of all pupils;
- reviewing the effectiveness of this policy with the Governing Body

### **Role of Parents**

Parents/carers will be asked to complete the consent form so that images of their children may be used:

- in the school prospectus;

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- on the school website;
- on video or webcam;
- in the media
- appear in any printed educational publication
- appear on a professional video that will later be sold to raise money for the school

Parents will be reminded that photographs must not be taken of children when they are changing for any school event.

Parents/carers will:

- be aware of and comply with this policy;
- be asked to take part periodic surveys conducted by the school;
- support the school Code of Conduct and guidance necessary to ensure smooth running of the school

### **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
- school events
- meetings with school personnel
- communications with home such as weekly newsletters and of end of half term newsletters
- reports such annual report to parents and Headteacher reports to the Governing Body
- information displays in the main school entrance

### **Training**

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
  - All aspects of this policy
  - Safeguarding and Child Protection
  - Visitors and Contractors
  - School Security
  - Equal opportunities
  - Inclusion
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

## **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## **Monitoring the Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)

## **Linked Policies**

▪ Safeguarding and Child Protection	▪ Visitors and Contractors	▪ School Security
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<b>Headteacher:</b>	PJMalcolm	<b>Date:</b>	16/03/2017
<b>Chair of Governing Body:</b>	CJones	<b>Date:</b>	16/03/2017

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**Initial Equality Impact Assessment**

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
			✓	

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community

Question	Equality Groups															Conclusion													
Does or could this policy have a negative impact on any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'yes' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Yes	No
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓
Does or could this policy help promote equality for any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Yes	No
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓
Does data collected from the equality groups have a positive impact on this policy?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Yes	No
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓

<b>Conclusion</b>	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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<b>Preliminary EIA completed by</b>	<b>Date</b>	<b>Preliminary EIA approved by</b>	<b>Date</b>

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**Policy Evaluation**

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed				
• Policy in line with current legislation				
• Coordinator in place				
• Nominated governor in place				
• Coordinator carries out role effectively				
• Headteacher, coordinator and nominated governor work closely				
• Policy endorsed by governing body				
• Policy regularly discussed at meetings of the governing body				
• School personnel aware of this policy				
• School personnel comply with this policy				
• Pupils aware of this policy				
• Parents aware of this policy				
• Visitors aware of this policy				
• Local community aware of this policy				
• Funding in place				
• Policy complies with the Equality Act				
• Equality Impact Assessment undertaken				
• Policy referred to the School Handbook				
• Policy available from the school office				
• Policy available from the school website				
• School Council involved with policy development				
• All stakeholders take part in questionnaires and surveys				
• All associated training in place				
• All outlined procedures complied with				
• Linked policies in place and up to date				
• Associated policies in place and up to date				
<b>A statement outlining the overall effectiveness of this policy</b>				



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**Policy Approval Form**

<b>Policy Title:</b>						<b>Date when written:</b>			
<b>Policy written by:</b>					<b>New Policy</b> (✓ or x)	<input type="checkbox"/>	<b>Revised Policy</b> (✓ or x)	<input type="checkbox"/>	
<b>Stakeholders consulted in policy production:</b> (✓ or x)	<b>Governors</b>	<b>Senior Leadership Team</b>	<b>Teaching Personnel</b>	<b>Support Personnel</b>	<b>Administrative Personnel</b>	<b>Parents</b>	<b>Pupils</b>	<b>Local Community</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Date when approved by Governors:</b>			<b>Date when presented to stakeholders:</b>			<b>Date when implemented:</b>			
<b>Published on:</b> (✓ or x)	<b>School Website</b>			<b>School Prospectus</b>			<b>Staff Handbook</b>		
	<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>		