

Title	Author	Approved By and Date		Review
Photograph Policy	Ian Clennan	Trust Meeting	Oct 2019	Oct 2022

*To be reviewed at least every 3 years*

## **PHOTOGRAPH POLICY**

### **1 Policy**

Selby Educational Trust is obliged to comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 when it takes or publishes photographs of its students. The academy trust will always try to act in the best interest of the students and, as far as it legally can, it will take parental preferences into account, through permissions granted on admission into schools (or changed by parents/carers during their time enrolled).

The Data Protection Act gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 13. For this reason, for most children in a secondary school, it will normally be up to the individual child to decide whether or not to be photographed. Where the academy considers that the child does not have the capacity to make such a decision the academy will act as it considers to be in the best interests of the child and in doing so will take account of any stated parental preference.

Photographs taken for curricular, assessment, security, registration, training and development or travel reasons will not be used for any other purpose. This includes EYFS pupils who have their photographs taken to provide evidence of their achievements for developmental records (EYFS Framework 2012) and as part of their end of Foundation Stage Profile.

Publicity photography is helpful in publicising the success of the students and the academy and in promoting educational initiatives. From time to time members of the press and media are invited into academy to cover events celebrating success. However, the views of parents who, for any reason, do not wish their children to appear in such photographs will be respected at all times as will the views of those students with capacity to consent. The academy will judge each situation regarding photographs and video images portraying students on a case by case basis. The academy will use reasonable judgement when using images for the progression of the academy and its students whilst always respecting the wishes of the individual and their parents.

Each academy will create a list of students who have relevant permissions and this will be used when taking or using photographs.

### **2 Digital and Video Images**

The development of digital imaging technologies has created significant benefits to learning, allowing staff and students instant use of images that they have recorded themselves or downloaded from the internet. However, staff and students need to be aware of the risks associated with sharing images and with posting digital images on the internet. Those images may remain available on the internet forever and may cause harm or embarrassment to individuals in the short or longer term. There are many reported incidents of employers carrying out internet searches for information about potential and existing employees. The academy will inform and educate users about these risks and will implement policies to reduce the likelihood of the potential for harm (see Acceptable Use Policy and Staff Code of Conduct):

- When using digital images, staff should inform and educate students about the risks associated with the taking, use, sharing, publication and distribution of images. In

particular they should recognise the risks attached to publishing their own images on the internet e.g. on social networking sites.

- Staff are allowed to take digital / video images, using academy equipment, to support educational aims, but must follow academy policies concerning the sharing, distribution and publication of those images.
- Care should be taken when taking digital / video images that students are appropriately dressed and are not participating in activities that might bring the individuals or the academy into disrepute.
- Students must not take, use, share, publish or distribute images of others (staff and students) without their permission
- Photographs published on the website, or elsewhere that include students will be selected carefully and will comply with good practice guidance on the use of such images.
- Students' full names will not be used anywhere on a website or blog, particularly in association with photographs.
- Written permission from parents or carers/or student of relevant age will be obtained before photographs of students are published on the school website or for other promotional material (see enrolment procedures on entry to each academy)
- Cameras and mobile phones are prohibited in the toilet and PE/Dance changing areas of the academies or nappy changing areas of EYFS classrooms.
- Visitors, volunteers and students are not permitted to use their own mobile phones to take or record any images of EYFS pupils at any time, unless authorisation is given by the academy to do so.

## **11 Photography by School Staff**

School staff can be involved in the photography of students and staff for the following main purposes:

- Student administration.
- Curriculum or course work.
- EYFS Profile record keeping and evidence gathering.
- Corporate and community activities.

## **12 Good Practice**

The following advice represents good practice in the use of photographic images involving students.

1. When taking a picture the academy must obtain the consent of the person in the picture (for students over the age of 13 with capacity) or their parent or carer for all other students including EYFS pupils.
2. Ensure that the commitment made in the consent form is followed.
3. When photographing students:
  - a. Check students or parents/carers have given permission through the Consent Form. Staff should note that a list of students without Media Consent will be kept centrally. It is each member of staff's responsibility to check this list if they intend to use any images of students.
  - b. Ensure all students are appropriately dressed.
  - c. Avoid photographs that only show a single child with no surrounding context of what they are learning or doing. A photograph for identification purposes e.g. for identification purposes on the academy's management information system, may endure for several years but should not be retained when replaced or expired.
  - d. Do not use images of a student who is considered vulnerable.
  - e. Avoid naming students. If a name is required use only the first name.
  - f. Use photographs that represent the diversity of the students participating. E.g. Events such as, Sports day and Fundraising Events may be recorded by video and

photographs by staff. However School Productions and the EYFS Nativity Play will be photographed by the academy and parents will be requested to only do so for their personal use and not to be shared or published.

g. Report any concerns relating to any inappropriate or intrusive photography to the Safeguarding Officer.

h. Do not use any images that are likely to cause distress, upset or embarrassment.

4. Staff should use academy equipment wherever possible for recording images of children. If exceptionally it is necessary for staff to use their own equipment (e.g. due to the malfunction of academy equipment or an unexpected event) then the image should be handed to the academy at the earliest opportunity and deleted from staff equipment, including mobile phones.
5. Visitors are not permitted to take photographs of students.
6. Photographs taken by staff on visits may be used in the curriculum and displayed within the academy or at parents' evenings to illustrate the work of the academy provided they have the appropriate consent.
7. Copyright and use of photographs is carefully controlled by and retained safely by the academy. Photographs taken professionally are circulated to parents, for purchase, by way of a secure, password protected website.

### **13 Examples of Specific Situations where Photographs may be taken**

#### **1. Inter-School Fixtures**

If a student who is vulnerable or does not have consent is involved in such an event, it is necessary to liaise with a member of staff from the other establishment so they are aware of the parent/carers wishes and can seek the cooperation of the parents from the opposing team. In this situation spectating students must be made aware they cannot take, use, share, publish or distribute images of others without their permission.

#### **2. Teacher Training Portfolios**

It will be necessary during teacher training and the NQT year for colleagues to compile portfolios of evidence. Staff must act responsibly when compiling these images and a member of the SLT may wish to see the images in the portfolio to consider their appropriateness.

#### **3. Displays**

Displays must depict students in an appropriate way and the relevant permissions must be obtained.

#### **4. Practical Examination Evidence**

It is good practice for colleagues to confirm what will happen to video evidence used to assess practical elements of an examination with the external examiner during their visit to the academy. Any identifiable imagery or documentation must be properly secured/protected.

#### **5. Newspapers**

Team photographs – if a parent is not happy to have a child's name printed on a photograph or even be included in the photograph then consideration must be given to publishing the team without any names, or without some students.

Photograph Opportunities –newspapers will not normally publish photographs of small groups of students without full names. This means that often the academy will only be able to offer photograph opportunities to those students who parents are happy for them to be photographed or named.

#### **6. Internet Sites**

Only appropriate images must be used on the website. For example a student who has achieved success in swimming should only be photographed in a tracksuit and not in a swimsuit.

## **14   Photography Rules**

Ordinarily the following rules will apply to photographs in the academy:

### **Photographs for internal use**

- The academy will take photographs for its own use. Usually these will be unnamed photographs and will generally be for internal academy use but may also include photographs for publication, such as photos for the prospectus, or to show on slides during presentations. Unnamed photographs may also be used on display boards which can be seen by visitors to the academy.
- When the photograph is taken, the student will be informed that a photograph is being taken and told what it is for so that they can object if they wish.
- If the academy wants to use named photographs then it will obtain specific consent from the student (where they have adequate capacity), or abide by the preference stated by the parent/guardian on the enrolment form.
- Please be aware that should your child leave the academy and they or you wish to withdraw consent to use an image, then it will be necessary for this to be stated in writing.

### **Media use**

- The academy will give proper consideration to the interests of its students when deciding whether to allow external organisations to take photographs or to film.
- When the media are allowed to be present in the academy or at academy events, this will be on the condition that they observe this policy.
- Where the media are allowed to be present at a particular event the academy will make sure that students and/or their parents or carers are informed of the media presence. The consent form will be referred to in these circumstances.
- If the media wants to publish named photographs then they must obtain specific consent from those students with capacity to consent of the parents/carers of those without capacity. The academy will require the media to check with the academy before publication so that they can check the completed consent form.

### **Family Photography at Academy Events**

- It shall be at the discretion of the academy whether photographs may be taken at an academy event.
- Family and friends taking photographs for the family album will not be covered by Data Protection legislation.
- Where the academy decides to allow such photography, the family and friends must not publish any photographs showing children other than their own on the internet or social media.