



Photography, Filming and Social Networking Policy 2021

Approved by	FGB November 2021
Date	November 2021
Date for Review	November 2024

Appendix 1. ICO Information on Consent

Appendix 2. Social Networking

Rationale

We live in an age in which digital technology has vastly increased the use, and potential misuse, of photography.

Most children who are abused are abused by someone they know. We have taken the view, in consultation with our local police force, that the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing reasonable steps are taken in planning, to ensure an appropriate photograph, and to protect full name and contact details, the practice of photography, for school events by families and the media, should be allowed. In addition, the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police.

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

Issues of Consent

See Appendix 1 ICO information on consent.

The General Data Protection Regulation (GDPR) affects our use of photography. This is because an image of a child is personal data for the purpose of the GDPR, 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 purposes beyond the school's core educational function. (E.g: school web sites, school productions). It is also important to ascertain the views of the child.

As it is likely that there will be a number of occasions during a pupil's school life when the school may wish to photograph or video that pupil, consent is sought when the pupil starts at the school, to last for the duration of their stay.

A general signed consent form, is obtained from the child's parent/guardian as part of the data collection process and kept on file, covering all cases where images of children are to be published beyond the parameters of school use.

Where 'Children in Care' (CiC) are concerned, we check consent on the corporate parent's behalf with the social worker, and there may be other situations, (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the class teacher to be at stake, indicating the need for extra care.

Consent gained is for photographs, videos and the website.

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

Planning Photographs of Children

Images and details of pupils published together allow for the remote possibility that people outside the school could identify and then attempt to contact pupils directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, general shots of classrooms or group activities rather than close up pictures of individual children will be used. Consideration of the camera angle: photographs taken over the shoulder, or from behind are less identifiable.
- The use of images of children in suitable dress, and taking care when photographing PE or swimming events to maintain modesty.
- Remembering to include images of children from different ethnic backgrounds in our communications wherever possible and positive images of children with disabilities to promote the school as an inclusive community, and to comply with the Disability Discrimination Act.
- Children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, consideration will be given to airbrushing logos.
- Consider alternatives. Is a photograph of the children necessary, or could an article be illustrated by the children's work for example?

Identifying Pupils

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

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

We recommend:

- The use of minimum information. Is it really necessary to accompany a picture with the pupils' names, the year group, or the school?

At Stonebow Primary School, we do not give out the names of individual pupils in full.

Using Photographs of Children Supplied by a Third Party

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it.

Before using a photograph supplied by a third party we check that the third party owns the copyright in the photograph and obtain their written permission to use it. The use of a photograph by the school, without the copyright owner's permission could result in an action being taken against us for copyright infringement.

Images downloaded from the Internet are also subject to copyright.

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

Use of Images of Children by the Press

Please refer to the recommendations above - 'Identifying Pupils'.

There may be occasions where the press take photographs of pupils at the school. The consent form attached highlights the potential risks for parents so that they can make an informed decision about whether to agree to their children being featured in the press and whether their full name should accompany the photograph.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given our responsibility to parents and pupils, we ensure that broadcasters and press photographers, on school premises, are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

School Prospectuses and other Literature

Although most school literature is sent to a specific audience, the school will avoid using personal details or full names of any child in a photograph. See the DfE advice above.

Videos

The school ensures it has parental consent before any child can appear in a video. Parents can make video recordings of nativity plays and other such events for their own personal and family use, as they are not covered by the General Data Protection Regulation (GDPR). (Please refer to Parental Right to Take Photographs) below.

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 parents or children's knowledge. The dual concern which follows such a risk is that children might be exploited, and a school might be criticised or face action. The school will ensure that images on the website are updated and current.

The school takes care with identification, and to respect parental views on the use of any photography of children on a website.

Parental right to take photographs

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

Parents are not permitted, however, 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 a school 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 (GDPR) would be breached.

Data Protection considerations aside, it is possible to consider banning all filming, recording and photography of school productions, sports days etc. if we felt that this is appropriate. We believe, however, that many parents would consider it over-cautious to impose such a ban and we would not, at this stage, recommend this course of action. Should we wish to impose any such ban we would take legal advice in order to ensure that the correct steps are taken, whilst acknowledging that such a ban would be difficult to enforce.

The important thing is to be sure that people with no connection with the school do not have any opportunity to film covertly. Staff are asked to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

The Storage of Photographs

Photographs will be maintained securely for authorised school use only, and disposed of by giving to the child/parents, or shredding as appropriate.

See separate guidance for staff on storing of pictures.

Official School Photographs

Schools will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. When considering such an activity the school will undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken. GDPR Data Sharing and Processing Contracts are in place between Woodlands Primary School (Data Controller) and Photographers (Data Processors). Procedures also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present on the school site.

Appendix 1

Taking Photographs in Schools Data Protection Act



Introduction

The Data Protection Act 1998 (the DPA) is based around eight principles of good information handling. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.

An overview of the main provisions of the DPA can be found in [The Guide to Data Protection](#).

This is part of a series of guidance, which goes into more detail than the Guide, to help data controllers to fully understand their obligations and promote good practice.

This guidance 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 DPA.

Recommended good practice

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

Where the DPA 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 DPA and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the DPA.

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 DPA does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the DPA does not apply.

Official school use:

- Photographs of pupils are taken for SIMS. These images are likely to be stored electronically with other personal data and the terms of the DPA 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 not breach the DPA 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 DPA.

Appendix 2 Social networking.

The school is aware and acknowledges that increasing numbers of adults and children are using social networking sites. The widespread availability and use of social networking application bring opportunities to understand, engage and communicate with audiences in new ways. It is important that we are able to use these technologies and services effectively and flexibly. However, it is also important to ensure that we balance this with our reputation.

This policy and associated guidance is to protect staff and advise school leadership on how to deal with potential inappropriate use of social networking sites.

For example, our use of social networking applications has implications for our duty to safeguard children, young people and vulnerable adults.

The policy requirements in this document aim to provide this balance to support innovation whilst providing a framework of good practice.

Purpose

The purpose of this policy is to ensure:

That the school is not exposed to legal risks

That the reputation of the school is not adversely affected

That our users are able to clearly distinguish where information provided via social networking applications is legitimately representative of the school.

Social Media is targeted at older teenagers and adults. They have a no under 13 registration policies and recommend parental guidance for 13 to 16 year olds.

The following are extracts from Facebook privacy policy:

"If you are under age 13, please do not attempt to register for Facebook or provide any personal information about yourself to us. If we learn that we have collected personal information from a child under age 13, we will delete that information as quickly as possible. If you believe that we might have any information from a child under age 13, please contact us"

"We strongly recommend that minors 13 years of age or older ask their parents for permission before sending any information about themselves to anyone over the Internet and we encourage parents to teach their children about safe internet use practices.

Materials to help parents talk to their children about safe internet use can be found on this help page"

SCOPE

This appendix covers the use of social networking applications by all school stakeholders, including, employees, Governors and pupils. These groups are referred to collectively as 'school representatives' for brevity.

The requirements of this policy apply to all uses of social networking applications which are used for any school related purpose and regardless of whether the School representatives are contributing in an official capacity to social networking applications provided by external organisations.

Social networking applications include, but are not limited to:

Blogs, for example Blogger

Online discussion forums, such as netmums.com

Collaborative spaces, such as Facebook

Media sharing services, for example YouTube

'Micro-blogging' applications, for example Twitter

All school representatives should bear in mind that information they share through social networking applications, even if they are on private spaces, are still subject to copyright, data protection and Freedom of Information legislation, the Safeguarding Vulnerable Groups Act 2006 and other legislation. They must also operate in line with the School's Equality and Diversity Policy.

Use of Social networking sites in work time

Use of social networking applications in work time for personal use only is **not** permitted, unless permission has been given by the Head teacher.

Social Networking as part of School Service

All proposals for using social networking applications as part of a school service (whether they are hosted by the school or by a third party) must be approved by the Head teacher first

Use of social networking applications which are not related to any school services (for example, contributing to a wiki provided by a professional association) does not need to be approved by the Head teacher. However, school representatives must still operate in line with the requirements set out within the policy

School representatives must adhere to the following Terms of Use. The Terms of Use below apply to all uses of social networking applications by all school representatives. This includes, but is not limited to, public facing applications such as open discussion forums and internally-facing uses such as project blogs regardless of whether they are hosted on school network or not.

Where applications allow the posting of messages online, users must be mindful that the right to freedom of expression attaches only to lawful conduct.

Stonebow Primary School expects that users of social networking applications will always exercise the right of freedom of expression with due consideration for the rights of others and strictly in accordance with these Terms of Use.

Terms of Use

Social Networking applications:

Must not be used to publish any content which may result in actions for defamation, discrimination, breaches of copyright, data protection or other claim for damages. This includes but is not limited to material of an illegal, sexual or offensive nature that may bring the school into disrepute.

Must not be used for the promotion of personal financial interests, commercial ventures or personal campaigns.

Must not be used in an abusive or hateful manner.

Must not be used for actions that would put school representatives in breach of school codes of conduct or policies relating to staff.

Must not breach the school's misconduct, equal opportunities or bullying and harassment policies.

Must not be used to discuss or advise any matters relating to school matters, staff, pupils or parents.

No staff member should have a pupil or former pupil under the age of 18 as a 'friend' to share information with.

Employees should not identify themselves as a representative of the school.

References should not be made to any staff member, pupil, parent or school activity /event unless prior permission has been obtained and agreed with the Head Teacher. Staff should be aware that if their out-of-work activity causes potential embarrassment for the employer or detrimentally affects the employer's reputation then the employer is entitled to take disciplinary action. Violation of this policy will be considered as gross misconduct and can result in disciplinary action being taken against the employee up to and including termination of employment.

Guidance/protection for staff on using social networking.

No member of staff should interact with any pupil in the school on social networking sites

No member of staff should interact with any ex-pupil in the school on social networking sites who is under the age of 18

This means that no member of the school staff should request access to a pupil's area on the social networking site. Neither should they permit the pupil access to the staff members' area e.g. by accepting them as a friend.

Where family and friends have pupils in school and there are legitimate family links, please inform the head teacher in writing. However, it would not be appropriate to network during the working day on school equipment

It is illegal for an adult to network, giving their age and status as a child

If you have any evidence of pupils or adults using social networking sites in the working day, please contact the named Child Protection person in school

Guidance/protection for Pupils on using social networking.

No pupil under 13 should be accessing social networking sites. This is the guidance from both Facebook and TWITTER. There is a mechanism on Facebook where pupils can be reported via the Help screen.

No pupil may access social networking sites during the school working day

All mobile phones must be handed into the office or to the class teacher at the beginning of the school day, the Internet capability must be switched off. Failure to follow this guidance will result in a total ban for the student using a mobile phone

No pupil should attempt to join a staff member's areas on networking sites. If pupils attempt to do this, the member of staff is to inform the Head teacher. Parents will be informed if this happens

No school computers are to be used to access social networking sites at any time of day.

Any attempts to breach firewalls will result in a ban from using school ICT equipment other than with close supervision

Please report any improper contact or cyber bullying to your class teacher in confidence as soon as it happens. (See also Cyber Bullying below)

We have a zero tolerance to cyber bullying

Child protection guidance.

If the head teacher receives a disclosure that an adult employed by the school is using a social networking site in an inappropriate manner as detailed above they should:

Record the disclosure in line with their child protection policy.

If the disclosure has come from a parent, take normal steps to calm the parent and explain processes.

If disclosure comes from a member of staff, try to maintain confidentiality.

The LADO will advise whether the member of staff should be suspended pending investigation after contact with the police. It is not recommended that action is taken until advice has been given.

If disclosure is from a child, follow your normal process in your child protection policy until the police investigation has been carried out.

Cyber Bullying

By adopting the recommended no use of social networking sites on school premises, Stonebow Primary School protects themselves from accusations of complicity in any cyber bullying through the provision of access. Parents should be clearly aware of the school's policy of access to social; networking sites.

Where a pupil makes a disclosure of bullying it should be referred to a DSL who will decide on the appropriate action.

Where a member of staff makes a disclosure of bullying it should be referred to the Head Teacher.

This guidance can also apply to email, text and mobile phone cyber bullying.

Mobile phones

Staff/Visitors may bring mobile phones into school, but must not use them to take pictures of children.

Use of digital cameras/iPads

There are many ways in which the use of digital images is valuable for children's learning. For example, they may be used in artwork, geography or science fieldwork. Images will be taken only as appropriate for school-related activities.

Children will be taught how to take pictures under the supervision of the class teacher and may use these in the making and editing of films. As soon as images have been used for their intended purpose (e.g. illustrating a good football pass), they will be deleted. The school will not store digital images any longer than for their immediate use, unless they are needed long term and in this case they will be stored securely.

When camera equipment is allowed to be taken on day or residential school visits, those pupils wishing to take photographs of other children must first seek advice from a member of school staff.

Media publications

Sometimes, local or national media visit the school to follow up a news story. This is often to do with a notable achievement by a child or a group of children from the school. For example, the netball team may have won a regional competition, or the school may have raised money for a charity whose representative wants to receive the donation in person. In this situation, where children's images might be made public, the school will inform parents of the event in advance, and allow them to withdraw their child from the event if they so wish. Newspapers normally ask for the names of the children to go alongside the photographs; if parents or carers do not wish this to happen, then the school will not allow the individual to be photographed or filmed by the media concerned.

Journalists/photographers will not be allowed to approach or photograph children while at school without the permission of the Headteacher or a member of the Senior Management Team.

Monitoring

This policy will be monitored by the governing body, and revised as appropriate, not less than three years from the date of its adoption. Any incidents of concern relating to this policy will be referred to the Chair of Governors by the Headteacher.