



# Glen Hills Primary School Images of Children and Young People

---

## Code of Practice No 21

### INTRODUCTION

The Leicestershire LA takes very seriously its responsibility to protect and safeguard the welfare of the children and young people entrusted to its care. For this reason, the guidance in this Code of Practice has been developed to advise those in Leicestershire Education Establishments, in order to ensure the privacy and safety of all concerned. [Appendix 1](#) contains specifics to **Glen Hills Primary School**.

There is considerable debate concerning the issues of access to inappropriate materials by pupils and also the dangers inherent in publicising personal information and images (e.g. photographs) of pupils, families and even staff members. The Data Protection Act 1998 has to be considered as it now covers the use of images. To this, can be added the technological advances in mobile phones e.g. camera phones and direct links to the internet. Finally, there is increasing evidence of bullying of pupils through the use of mobile phones or on the internet.

These continuing changes in technology require that guidance must also evolve to protect our pupils and staff. Everyone needs to be aware that images are potentially available for large audience to view, and crucially, we need to be aware that children and families need to have their own privacy protected from the potential viewers.

It must not be forgotten that there are an increasing number of vulnerable children and young people. Family member separations require sensitive handling, particularly in situations where one of the parents is denied access or not allowed to know the whereabouts of a child or young person.

Occasionally, members of the press may take photographs or film footage at an educational establishment. Although the press are exempt in certain circumstances from some of the principles of the Data Protection Act, some parents may object to images of their children appearing in the media.

The use of images of children raises particular legal issues, as does the practice of children testing a website being set up by schools. These images should only be used in a purposeful manner and with the greatest sensitivity. The most careful consideration should be given to their potential inappropriate use. Issues to be considered are: -

- Close up shots
- State of dress
- Camera angles

This guidance applies to the use of images of children and all young people. It is intended to raise awareness of the issues. Further detailed legal advice should be sought if videos or films are to be made involving young people for broadcast or web use.

The advice contained in this Code of Practice is an amalgamation of general advice from the DfES publicity division, and advice offered from the teams responsible for child protection and for safe use of images on the net and in other media.

We also acknowledge the guidance produced by Norfolk, Suffolk, Hampshire and Warwickshire County Councils, which has been used as a basis for some areas of the advice contained in this Code of Practice.

Whilst the advice concentrates on images of pupils/young people, you should not forget that you will need written permissions from teachers and other adult staff, helpers and volunteers to use their photos.

## **USE OF IMAGES BY MEDIA**

Several scenarios can occur:

### ***Team Photographs:***

- When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The head teacher / manager should make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph may not be appropriate.

### ***Photo Opportunities:***

- When an establishment invites a newspaper to celebrate an event, the head teacher / manager should make every effort **IN ADVANCE** to ensure that the newspaper's requirements can be met.
- Almost without exception, this means the paper will prefer to publish the full names of anyone in a photograph they print. The only exception to this might be (as above) in a larger group shot (e.g., a group of more than 10 children).
- However newspapers usually prefer to work with smaller groups of children – e.g., three or four – and for this number names would definitely be required.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Establishments must give thought to this beforehand – and parental permission / opinion must be their key guidance.
- This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group – it might be possible to negotiate a 'first names only' agreement with the newspaper.
- Otherwise establishments must be prepared to forego newspaper publicity.

### ***Portrait Photography in Schools***

Many schools allow professional photographers to come into school to take portrait photographs of individual children, groups or classes. These are then offered for sale to parents.

Schools should make it clear to parents that this is essentially an arrangement between the photographer and the parents. Schools may facilitate this arrangement, but cannot take responsibility for issues such as copyright and the use of images held by the photographer.

Nevertheless, as a matter of good practice, schools should: -

- Take reasonable steps to ensure the bona fides of the photographer.
- Ensure that parents know about the photo sessions before they take place and have an opportunity to withdraw their children.
- Ensure that children whose parents have objected are not photographed.
- Provide reasonable supervision during the photo sessions.

We are also aware that some professional photographers are placing the “proof” photographs of the portraits taken, on their company website, so that parents can then view them via the Internet, and order them directly from the company.

Schools are advised to check such arrangements closely, and to ensure that parents are clearly informed of the process prior to any photographs being taken, and being given the opportunity to withdraw their child from the photographing session.

### ***Ownership of the Image***

The ownership is subject to the contractual arrangement between photographer and the parent commissioning the photograph i.e. the parent who completes the actual order form.

### ***Conclusion***

It is always wise to remember that there can be very sound reasons why parents or guardians would not want some children’s images publishing. All schools should remember that if there is no consent from the parent, then no filming or photographs should be taken that could identify the individual child.

## **SCHOOL WEBSITES**

### ***Background***

The latest figures from the DfES<sup>1</sup> indicate that almost 60% of primary schools, 82% of secondary schools and 50% of special schools now have their own website. The challenge is to ensure that all schools take a safe and sensible approach to developing an interesting, informative and effective presence on the web. However, careful consideration of the use of images and digital video on school websites is necessary.

### ***Use of Images***

Including images of pupils on the school’s website can be motivating for the pupils involved and provide a good opportunity to promote the work of the school. It is important to balance the potential risks of including images of pupils on the website against the design principles of creating colourful, attractive and relevant pages as the school would wish to do with any publication.

Schools need to develop a policy in relation to the use of images of pupils on the school website. The Headteacher and Governors will need to make decisions about the type of images they consider suitable and that appropriately represent the school. They would also want to ensure that parents fully understand and support their policy.

When assessing the potential risks in the use of images of pupils, the most important factor is the potential of inappropriate use of images of children. Considerations that all schools should take into account when developing a policy would include: -

---

<sup>1</sup> Department for Education and Skills

- Asking for parental permission before using images of pupils, whether on the school website or elsewhere. This ensures that parents are aware of the way an image of their child is representing the school. A parental consent form is one way of achieving this.
- Avoiding the use of names of individuals in a photograph. This reduces the risk of inappropriate, unsolicited attention from people outside the school. An easy rule to remember is:
  - if the pupil is named, avoid using their photograph
  - if a photograph is used, avoid using the name of the pupil.
- Consider using group photos rather than photos of individual children
- Ensure that the image file is appropriately named
- Only use images of pupils in suitable dress to reduce the risk of inappropriate use
- Create a recognised procedure for reporting the use of inappropriate images to reduce the risks to pupils.

Schools may also wish to give consideration to the way in which video clips are made available on their website. If posted on a web server, video clips can be downloaded and saved to the viewer's desktop. Once downloaded the school has no control over the way in which the video is viewed, edited or distributed. Safety precautions such as the streaming of video should be considered. Streamed video can only be viewed and not downloaded. In addition streams can be logged and monitored including details as to who logged on, when and how long the viewer has watched the video. These logs could indicate whether a particular user is showing an inordinate amount of interest in school videos.

### ***General Advice with Regard to Use of Pupils Images on the Website***

The measures described below can help to reduce the risk of inappropriate and/or unsolicited attention.

- When considering the use of photographs of children, avoid close up pictures of individual children where possible and instead use general shots of the classroom or group activities. Decide whether there is a need for the school and/or the pupils to be identified at all. If there is such a need, avoid captions that give the children's full names or include personal details such as email addresses, home addresses and telephone numbers.
- Only use images of pupils in suitable dress e.g. school uniform, but remember that children can be identified through logos or emblems on sweatshirts etc. Sometimes, it may be necessary to airbrush or "fuzz" out the relevant part of the image. It may also be inappropriate to use images or footage of pupils doing PE even if the school and/or pupils are not identified.
- On no account must the family name or domestic situation of a pupil be revealed, even if this is through the content of the pupil's work.
- A consent form can be used by schools to ask for parental permission to use an image of a pupil and explain the purpose for which the image will be used and whether it will be retained for further use. If necessary the school should offer assurances that the images will be securely stored and used only by those authorised to do so. Schools are advised that this opportunity should be taken to reassure parents who may have concerns. This ensures that parents are fully aware that the image of their child is being used.
- Using photographs of items designed and made in technology lessons, together with excerpts from written work and scanned images of art work, allows pupils' work to be exhibited to a wider audience without increasing the risk of inappropriate use of images of pupils.
- In exceptional circumstances where the parents specifically wish their child to be photographed and named for a specific purpose, then this parent must give their consent to this in writing to the school.

There are many aspects of a school website, which might also be covered by Data Protection legislation. If a school website collects personal data directly from individuals, via a “guest book” or questionnaire for example, they should be aware that this could constitute obtaining and holding data, and as such should inform the individual of the purposes for which they intend to process the personal data. If the school intends to distribute a newsletter by email using such data the school should give the individual the opportunity to opt out.

If a school collects personal data in any form via its website, it should provide a clear and detailed privacy statement prominently on the site and wherever personal data is collected. Schools may wish to develop a privacy policy for their website as a matter of good practice, even if personal information is not currently collected. The website of the Information Commissioner provides some useful compliance advice with regard to collecting personal data on websites.

The U.K Government has produced some guidance relating to the hosting of pupil images on the school website and it is this guidance which is being recommended by Leicestershire County Council. The document is available on a downloadable or viewable file together with other guidance related to school websites on [www.safety.ngfl.gov.uk](http://www.safety.ngfl.gov.uk) and more specifically on image hosting by the following link <http://safety.ngfl.gov.uk/schools/document.php3?D=d72>

On websites DfES/BECTA<sup>2</sup> guidance recommends: -

- the need for schools to develop a policy in relation to the use of images of pupils on the school website
- the need for schools to develop a procedure to ensure that only appropriate images of pupils are used in the school
- the Headteacher and Governors take an active role in making decisions about the type of images they consider suitable and which appropriately represent the school
- that the Headteachers and Governors will want to ensure parents support their policy.

An ICT Bulletin for schools was issued to schools in March 2004, and this also contains some useful advice and recommended websites.

## **SCHOOL PROSPECTUS AND OTHER LITERATURE**

Although most school literature is sent to a very specific audience, it must be recognised that the school prospectus is circulated more widely, and again it would be best to avoid using personal details or full names of any child in a photograph. Again, avoid naming a child in the text or accompanying photograph caption if they appear in a photograph and vice versa.

## **PHOTOGRAPHY OR FILMING BY PARENTS**

It is natural for parents to want to record their children’s time at school, especially when they take part in activities such as sport, concerts, nativity plays or other types of show. Issues can arise when photography/video recording/filming takes place at such events. These issues could include: -

- disturbance to other members of an audience
- distraction to those pupils taking part
- copyright restrictions
- parental objections
- child protection concerns.

The decision on whether or not to allow photography, filming or video recording rests with the Headteacher in consultation with the Governing Body. The decision would have to be taken in light of individual circumstances, and the issues raised above, together with circumstances surrounding

---

<sup>2</sup> British Educational Communications and Technology Agency

the individual school such as geographical location, size of the hall, age of the pupils involved etc. However any decision taken should be communicated to parents in writing well in advance of any event or performance. **(Please see Appendix 2)**

If the decision of the Headteacher and Governors is to allow photography or filming then parents should be asked to complete the declaration form at P.20. Parents should be given an opportunity to object in writing to their child being included in any such photographs. Where an objection is raised, the school will need to consider ways in which the difficulties this causes can be overcome. It may be possible to achieve this without having to reverse the original decision.

If the decision is not to allow filming or photography, it is very likely that some parents are likely to be very disappointed. It is very important that schools formally explain the reasons which underlie their decision which could be any or all of the above mentioned criteria. From our experience, parents would generally be more willing to accept the practical reasons such as physical lay-out problems or due to a disturbance, but many parents do not see general child protection issues as being sufficient justification for a ban.

Where photography or recording of an event or a performance is not allowed, then schools should consider alternatives such as: -

- Professional photography arranged by the school. Parents would still need to be given the usual opportunities to object but this would provide a means for the school to retain control of images in a way that may be acceptable to objectors. Only acceptable images would be made available for parents to order;
- Allowing parents opportunity to photograph or film before or after the event itself, when an objector would be able to withdraw their child without affecting the actual event or performance for example, the bringing together of the cast after a school play or prize winners after the school sports.

### ***Use of Photographic Filming Equipment at Sporting Events***

Make sure that only images of pupils in suitable dress are taken to reduce the risk of images being used inappropriately. Heads should use their common sense judgement about the photo's used/taken. Particular care should be taken with photographs taken during PE, sports lessons and swimming lessons.

### **AREAS WHERE PHOTOGRAPHIC AND RECORDING EQUIPMENT (INCLUDING MOBILE PHONES) MAY BE FORBIDDEN**

- all changing areas
- swimming pools
- team changing facilities
- health suite
- sauna areas
- fitness suites and gyms
- toilet areas
- aerobic/fitness classes
- playscheme facilities

The managing Authority of each type of these facilities may have their own policies in relation to the taking of photographs.

Headteachers should check with the relevant authority as to their policy, before pupils use these facilities.



## MOBILE PHONES/MOBILE CAMERA PHONES

The subject of mobile phones has been left to each individual school to decide its own policy (see appendix 1). Within Leicestershire there is a variety of practice varying between phones being totally banned, some only being available for use at lunchtimes whilst other schools allow a more open policy.

Increasingly, mobile phones and similar devices connected to the mobile network are available with enhanced features including colour screens, picture messaging, video cameras and internet browsers and can be used to access a growing variety of content.

In particular, the market for mobile camera phones is growing. Recent research estimated that in 2003 only 9% of mobile phones sold in Western Europe contained embedded cameras. This is projected to rise to 45% in 2005 and 66% in 2006. As handsets with embedded cameras become cheaper and more widely available, children and young people are set to become a significant proportion of these users, recognising the fun aspect of communicating. However, there are significant concerns over the safety, security and wellbeing of young children and young people, either as users of the technology or as victims of camera phone misuse.

Whereas, with a traditional camera, it is normally obvious that the user is taking a photograph, this is not always the case with a camera phone. Many camera phones are small and discreet, and this could lead to children and young people being photographed without their consent or knowledge, possibly in an inappropriate situation. This is an invasion of privacy, and can be extremely distressing for the subject of the photograph. There have also been cases where camera phones have been used to bully others.

In summary, the risks with camera phones are: -

- They are very small and can be used without the subject knowing.
- They can be used to bully other children.
- They can be used to cheat in tests, exams etc.
- It is not obvious that a picture is being taken.
- Visitors to schools do not have to declare that they are carrying one.
- Once an image is taken, it can be modified and misused.
- They are compact, easy to use and no “flash” is given off.

The ease with which photographs can be distributed is also a serious concern. Photographs can be quickly forwarded on to others or even distributed to websites. Once released in this way, it is impossible to track down and permanently delete images. Many mobile phone operators are now warning against using camera phones to distribute materials to websites.

Photographs could also include clues as to the individual's location, such as the school name in the background, which if distributed inappropriately, could lead to the risk of contact by strangers. Again individual schools must decide on their own policy regarding camera phone use within schools, based on a clear understanding of the risk. As stated earlier, many schools already have policies in place regarding mobile phone use within school, and these should be expanded to include guidance on camera phones.

## ON-LINE BULLYING

A NCH<sup>3</sup> survey, conducted in 2002, found that 1 in 4 children in the UK are bullied or threatened via their mobile phone or online. Children and young people are keen adopters of new technology, but this can also leave them open to the threat of online bullying. An awareness of the issues and knowledge of methods for dealing with online bullying can help reduce the risks.

---

<sup>3</sup> NCH – National Child Helpline

Some of the methods by which this bullying can take place include: -

Bullying by text message –

- Messages sent/received at all times and when not expected.
- Can be anonymous.
- More casual than a phone call.

Bullying by email –

Bullying within “chat rooms” or by instant messaging.

- Element of anonymity, so children may have confidence to say things online, which they would not say face to face.
- Groups formed in chat rooms – can be used as a way of excluding or harassing others.

Bullying by websites

- When the site includes material that can mock, torment, harass or are otherwise aggressive, and can be aimed at an individual or a group of people.

Further advice on this subject, together with some suggested strategies can be found at: -

[www.safety.ngfl.gov.uk/schools/document.php3?D-d65](http://www.safety.ngfl.gov.uk/schools/document.php3?D-d65)

In addition, Rob Osborn, the County Council’s Bullying Strategy Manager, has made advice available on: -

[www.beyondbullying.com](http://www.beyondbullying.com)

Link word – online bullying.

## **PITFALLS AND HOW TO OVERCOME THEM**

### ***Re-using Old Images***

Some of the most serious problems have arisen when images taken for one purpose have been used for something entirely different. This is likely to constitute a breach of the Data Protection Act 1998. Remember – new use requires new consent. This can be difficult to obtain for pictures that have been stored for some time. It may be easier and safer to use a new image which has been obtained and cleared to illustrate the subject in hand.

### ***Sensitive Issues***

If you need general pictures for publicity purposes, contact the Administration and Committees Team (0116 265 6433/0116 265 6309), as they may have access to suitable images from within the Department, or from the Council’s Public Relations Team.

### ***Storage of Images***

Whether your images are stored as photographs or electronically, you must ensure that they are secure and are clearly labelled and dated so that they cannot be used without proper consent.

### ***Risks of Access to Stored Images***

You must (under the Data Protection Act) ensure that parents or individuals have access, upon request, to stored images of their children or themselves.



## APPENDIX 1

The guidelines above are all taken into consideration by the staff and governing body of Glen Hills Primary School.

Specifics to Glen Hills Primary School are listed below;

- Whenever there is a performance, a letter is distributed asking parents / carers to sign to acknowledge that they understand our perspective on photography / recording. A copy of this letter is in **Appendix 2**.
- Images used on our website or other media sources will not include children's surnames and we will ensure all images used are fully suitable for publication.
- Parents and carers have the option of stating on the Data Collection Form whether they agree for their child's image to be used for media purposes.
- We do not allow children to bring mobile phones into Glen Hills or on any visits.
- Staff are aware that their personal mobile devices are not permitted to be used for any filming or photography in school. Any such incidences should be reported to the Headteacher, or Chair of Governors if the allegation is made against the Headteacher. Appropriate action will then be carried out by the school which may involve police assistance should the matter be of serious concern.



## APPENDIX 2

### Copy of letter sent to parents before a production / concert;

Dear Parents,

On \_\_\_\_\_, we will be presenting our class assembly to the parents.

Many parents like to take photographs and video recordings of their children during these performances. As a school, we see no reason to place any restriction upon photography or video recordings during the performance as long as the form below is completed and returned to Mr. Sutcliffe as soon as possible.

This information is required by the Local Authority and I thank you for your understanding with this issue.

If you require any further discussion, please do not hesitate to contact me.

Yours sincerely,

T. J. Sutcliffe

Head Teacher

---

#### **PLEASE RETURN TO MR SUTCLIFFE**

I hereby declare that any photographs or video film taken by myself will be solely for the individual family's use and will not be distributed more widely.

Name of Child

\_\_\_\_\_

Date of Birth

\_\_\_\_\_

School

\_\_\_\_\_

Parent / Guardian signature

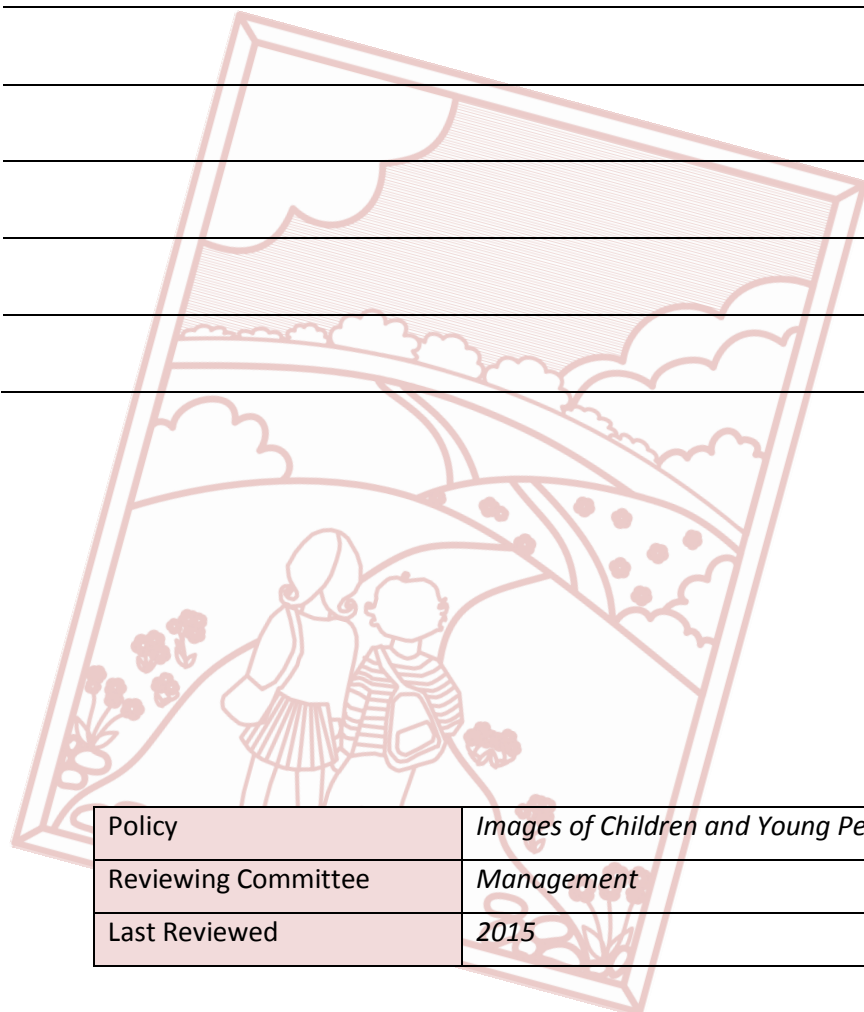
\_\_\_\_\_

Date

\_\_\_\_\_

Parent / Guardian Full Name

\_\_\_\_\_



|                     |  |
|---------------------|--|
| Policy              | <i>Images of Children and Young People</i> |
| Reviewing Committee | <i>Management</i>                          |
| Last Reviewed       | <i>2015</i>                                |