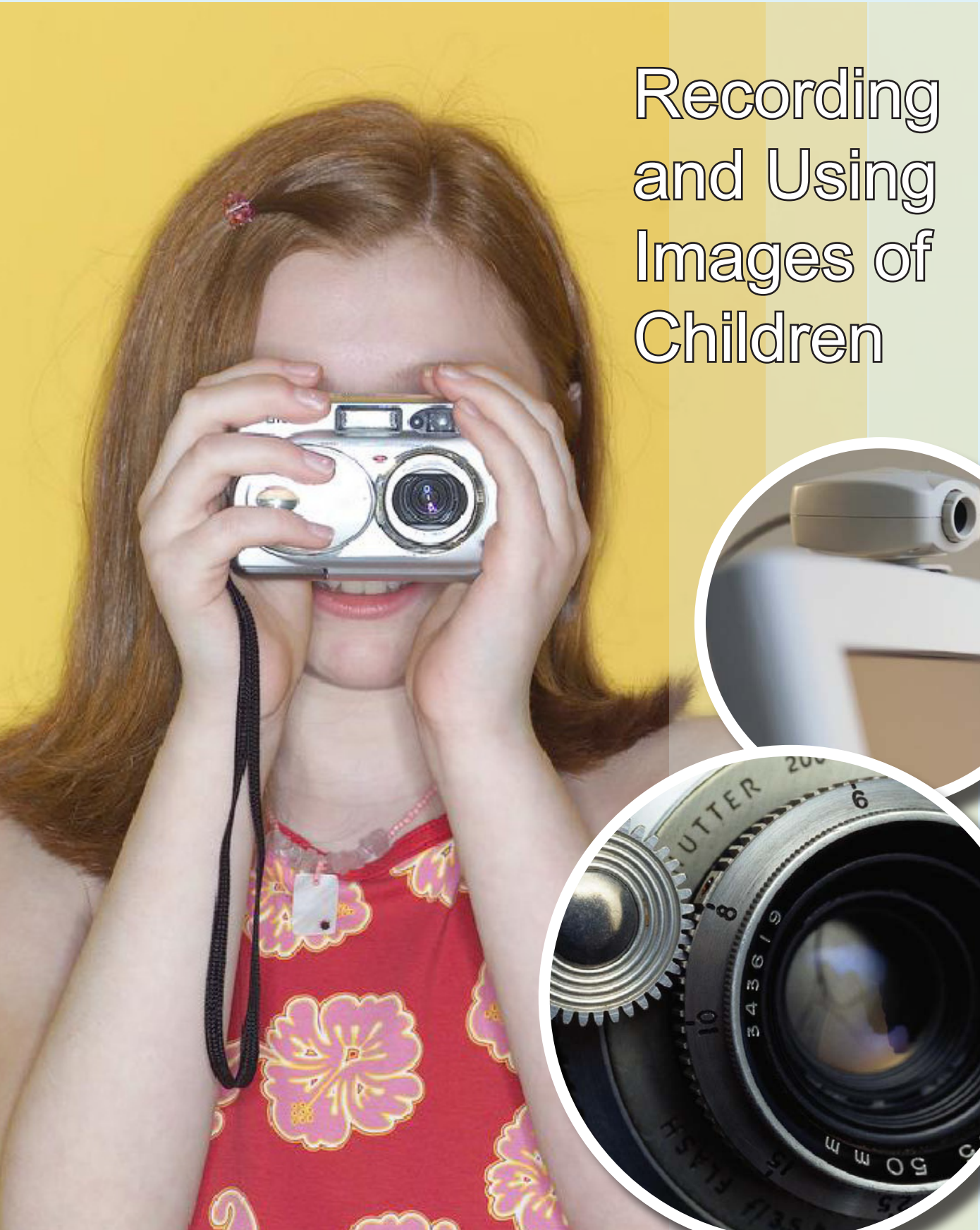


Recording and Using Images of Children



Information and Guidance

- Photographs
- Video
- Websites
- Webcams



Produced by Sefton Council Children's Services
for use in Sefton schools September 2007

Sefton Council 

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Guidance for Sefton Schools

This Guidance has been drawn up as a partnership between Headteachers, Governors and Council Officers, including those responsible for media relations and legal advice. It has been approved by the Local Safeguarding Children Board.

The guidance consists of four parts:

Part 1: Introduction and General Considerations

Part 2: Images recorded for schools' own purposes (e.g. leaflets, prospectus, websites).

Part 3: Use of images of children by the press, including named images

Part 4: Consent Form for Photographs and Media Images

THE LOCAL AUTHORITY WILL SUPPORT DECISIONS TAKEN IN LINE WITH THESE GUIDELINES

Sefton Council's Corporate Communications Unit will advise individual schools when dealing with the media. Headteachers should contact Dan Grice, Press and PR Officer on 0151 934 2727 or email dan.grice@chief-executives.sefton.gov.uk

Introduction

1.1 General

Many school activities involve the recording of images of pupils. These may be undertaken as part of the curriculum, out-of-school activities, for publicity or to celebrate achievement.

Schools are aware that individuals have the right to respect for private and family life and there may be families who do not wish to have their children photographed. Unfortunately, due to digital technology there is a possibility that images of children could be produced, manipulated and circulated without the consent of the child or parents.

Generally, photographs 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, young people and their families, and the practice should continue within safety guidelines.

These guidelines have been drawn up to assist schools to develop their own policies and to safeguard pupils. The guidelines have been informed by current practice across the country, DfES advice and the Data Protection Act 1998.

Please contact the Lead Officer for Child Protection if you wish to discuss this advice or seek any further help.

1.2 Issues of consent

The Data Protection Act 1998 affects our use of photography. 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 purposes beyond the school's core educational function (e.g. school web sites, school productions, sports day); 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, we recommend that consent is sought when they start at the school, and refreshed annually at the beginning of each year.

Schools should be mindful of a change in a pupil's personal details and renew consent as appropriate

A signed consent form, as attached to this guidance, should be obtained from the child's parent/ carer, and kept on file.

Once a consent form has been signed and returned, parents still retain the right to withdraw consent at any stage, but they need to do so in writing.

Introduction

1.3 Vulnerable Children

Special care must be taken with “ looked after children “, and schools must check the issue of consent with the child’s social worker as there may be situations, (in adoption placements) where a child’s security is known by the class teacher to be at stake, indicating the need for extra care. Similar care must be taken with children living in situations involving child protection and domestic violence where their identity may need to be protected.

1.4 Estranged Parents

Occasionally estranged parents may not wish for the school of the child of whom they have custody to be known to their former partners. Schools will need to be sensitive to this, while remaining mindful of the rights of parents.

1.5 Other Considerations

It is impossible for any guidance to be fully inclusive. These notes are based on the principle that ultimate discretion about a school policy for the taking, use and storage of media images resides with the Headteacher and Governors. Further assistance may be obtained from the Lead Officer for Child Protection.

Images recorded for the school's own purpose

2.1 There is no national DfES Policy on the use of photographs and video images for the school's own purpose (e.g school publications, school web sites or in a public place).

Teachernet indicates that

“Schools and LEAs are free to decide on their own policies relating to the use of such images or the release of associated information for their own publicity purposes. We do however advise that the photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. Therefore using such images for school publicity purposes will require the consent of either the individual concerned or in the case of pupils, their legal guardians”

<http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/usefulinformation/photosandvideos/>

2.2 Planning photographs of children

Any photographing of pupils must be carefully planned. 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, use general shots of classrooms or 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.

Ensure that images are taken only of children in suitable dress, and avoid full-length photographs of pupils in PE or swimming costume, using team tracksuits if appropriate, for example. However, remember that children can be identified by logos or emblems on sweatshirts etc.

It is important that images should not be manipulated or amended in any way, other than to crop a photo to fit a design area.

Remember to include images of children from different ethnic backgrounds in your communications wherever possible, and positive images of children with disabilities to promote your school as an inclusive community, and to comply with the Disability Discrimination Act.

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

Images recorded for the school's own purpose

2.3 Identifying pupils

The DfES advise the following with regards to identifying pupils in photographs for school purposes:

If the photograph is used, avoid naming the pupil.

If the pupil is named, avoid using the photograph.

We recommend that:

You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the pupils' full names, the year group, or the school.

2.4 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 you should check that the third party owns the copyright in the photograph and you should obtain their written or verbally recorded 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 school 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.

2.5 School Prospectuses and Local Authority literature

School prospectus may include pictures or images of children. The consent of the parent is required and schools should follow the DfES guidelines and avoid using the full names or personal details of the pupil.

Images recorded for the school's own purpose

2.6 Videos

The making of a video in any situation must be carefully planned and the consent of the appropriate senior member of staff obtained. Staff using videos should be clear about its purpose, ensure all images are available for scrutiny in order to screen for acceptability and be able to justify images of pupils in their possession. Staff should be sensitive to the needs of pupils and aware that some children, due to past experiences, may not be comfortable with this activity. Children who have been abused in this way may feel threatened by the legitimate use of photography or filming. Parental consent must be sought before any child can appear in a video.



At the discretion of the Headteacher (see 2.9), parents may be permitted to make video recordings of nativity plays and other such events for their own personal and family use, as they are not covered by the Data Protection Act. However to avoid potential difficulties in this area, schools should insert the following into their prospectus or letters, or on tickets or programmes for the event.

For the prospectus or letter:

“Parents and relatives of pupils should note that any photographs or video film they take at school events are likely to contain images of other children who will not have given permission to be filmed or photographed. Such images should not be circulated more widely than the family; i.e. they should be for the family’s use only. Our advice is that any manipulation or distribution of images of children could result in a criminal prosecution.”

For tickets or programmes

“Any photograph or video film taken by parents or relatives must be solely for the individual family’s use and must not be distributed more widely “

If a blanket ban of parent-made videos is contemplated, see 2.9.

Headteachers and governors may wish to organise single controlled videorecordings of events (possibly by a commercial company), being mindful of parental consent. In this way, a record of performances and events would be available for the community.

Images recorded for the school's own purpose

2.7 Websites

This is an area which gives particular concern to parents because of the potential misuse of images by paedophiles. The dual concern, which follows such a risk, is that children might be exploited, and a school might be criticised or face action.

The Sefton Children's Services Schools Intranet contains useful guidance, which can be accessed at:

http://schools-bulletin.sefton.gov.uk/previous_articles/page_7/2005_05_10_images_of_students.htm

The BECTA website 'Superhighway Safety' at <http://schools.becta.org.uk/index.php?section=is> gives clear guidelines for developing websites and we therefore recommend that this site be visited **before** the website is developed.

2.8 Web cams

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, who might want to look at the pictures and what security measures are in place to protect access.

Unless a webcam is a response to a specific threat or difficulty in relation to either crime or health and safety it may pose more difficulties for the school than it would actually resolve. If you want to use a webcam, we would advise careful parental, staff, and legal consultation.

Images recorded for the school's own purpose

2.9 Parental right to take photographs

Parents are not covered by the Data Protection Act 1998 if they are taking photographs for their own private use.

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 films. Without this consent the Data Protection Act 1998 would be breached. The consent form attached reminds parents of this fact.

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

The important thing is to be sure that people with no connection to your school, do not have any opportunity to film covertly. Ask your staff to quiz anyone they do not recognise who is using a camera or video recorder at events and productions, and include this instruction in your consent form or any event tickets. It may be necessary to make clear that this also applies to the use of mobile phone cameras.

2.10 The storage of photographs

Photographs must be maintained securely for authorised school use only, and disposed of either by return to the child, parents, or shredding (including secure electronic deletion) as appropriate.

2.11 Official School Photographs

Schools will periodically invite an official photographer into their setting to take portraits/ photographs of individual children and/or class groups. It is essential that when considering such an activity schools undertake their own risk assessment in terms of the validity of the photographer/agency involved and establishing what vetting has 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 on the school site.

Use of images of children by public media

There is no national DfES Policy on the use of photographs and video images of pupils in the press.

Teachernet indicates that:

“Schools and LEAs are free to develop and implement their own policies in relation to arrangements with the press for local newspapers to take and publish photographs of pupils taking part in school activities and events.”

<http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/usefulinformation/photosandvideos/pressphotos/>

3.1 There may be occasions where the press takes photographs of pupils at your school. The letter and consent form attached attempts to highlight 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 name should accompany the photograph.

3.2 The manner in which the press uses images is controlled through relevant industry codes of practice as well as the law. The Press Complaints Commission Guidance states:

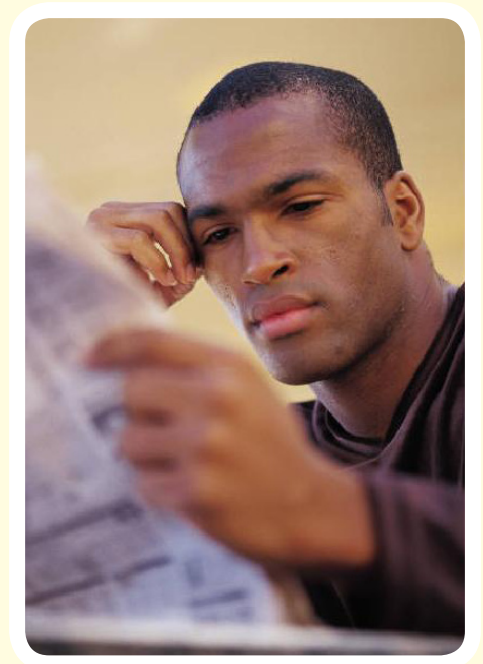
The Code...provides guidance for journalists who wish to approach children.

“ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child’s welfare unless a custodial parent or similarly responsible adult consents.

iii) Pupils must not be approached or photographed while at school without the permission of the school authorities.

iv) Minors must not be paid for material involving children’s welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child’s interest.”

http://www.pcc.org.uk/assets/103/schools_children.doc



Use of images of children by public media

3.3 Given the responsibility of Headteachers and Governors to parents and pupils, it is sensible to politely check that any broadcasters and press photographers on your school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography. Schools must be aware that when photographers are invited into a school to take pictures, the resultant pictures may be published in more than one medium- e.g. newspaper websites. Headteachers should therefore check where the images would be used.

3.4 The decision on the quantity of information provided by the school about the subjects of photos will be determined by the Headteacher under guidance from governors but on safety grounds we would advise that the MINIMUM amount of information be provided, especially for photographs of groups of children. Naturally, the press is at liberty to approach parents / carers on a personal level if they wish.

However, if the media has been invited to attend and take pictures at the request of the school, it is likely that on these occasions there will be a request to supply names for the publication.

Agreement has been reached with the media that for any class shots, names would be published in alphabetical order and not correlating to the positioning of the pupil.

For individual achievements, such as awards or certificates, it would seem appropriate for names to be given to the media. However, this consent should be checked against the written parental permission.

3.5 In determining the nature and quantity of information to be provided, Headteachers should consider the following:

- * whether the photograph needs names other than that of the school or the class
- * where names are provided for class shots, they should be in alphabetical order and not correlate to the positioning of the pupil
- * where full names are provided, whether these should be checked again with the parent / guardian before use

3.6 Headteachers should make it clear that, where a decision has been made to supply some or all names, they alone will provide a list and no attempt should be made to collect those names directly from the pupils being photographed.

Use of images of children by public media

3.7 Schools will need to consider whether they wish, as part of the parental consent, to ask for express permission for pupils' names to be included in such a way that they can be identified in a photograph.

If it is a class picture and one or more parents of children have refused consent, or if the consent is questionable, then the pupils names should be removed from the alphabetical list. If it is not a class shot and one or more parents of children have refused consent, or if the consent is questionable, these pupils should not be included in the picture to be taken.

Consent forms need to be held for pupils whose pictures will be taken or used by the media. These must be renewed on an annual basis.

If no current consent form is held it should be assumed that permission has not been given.

Again, procedures should ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present on the school site.

3.8 Sefton Council's Corporate Communications Unit is happy to advise individual schools when dealing with the media. Headteachers should contact Dan Grice, Press and PR Officer on 0151 934 2727 or email dan.grice@chief-executives.sefton.gov.uk Further advice may be obtained from the Lead Officer for Child Protection.



Consent form for photographs and media images

Below and on the next few pages is an example of a consent form that addresses all issues in this guidance, and which schools should consider adopting for their own use. This could form part of a package of documents through which schools would seek parental consent.

Dear Parent or Carer

While your child is attending this school we may, from time to time, take photographs as records of learning activities or to use in displays, leaflets and booklets about the school or on an official web-site. This will only be done with the authorisation of the Headteacher. No child will be named in publications or on websites and photographs will only show children in a positive way.

In addition, sometimes the press may be invited to photograph individual or small groups of children, particularly on occasions to celebrate achievements. Again, this will only take place at the Headteacher's discretion. On such occasions of individual celebration, it is appropriate for names to be requested and the newspaper may choose to publish them. In no circumstances will home addresses or other personal information be provided. Names provided to the media for children in class photographs, will be given in alphabetical order and not correlate to the position of the pupil.

Your permission is required for the publication of all photographs of your child and you are therefore asked to consider signing the consent form below. While your child attends this school, we will ask you, each school year, to renew this permission. **However, if at any point you change your mind you must let us know in writing.** We would like to encourage you to discuss this with your child if possible.

While public recognition for achievement is important, we do understand that you may not wish to authorise the use of photographs of your child. You do not need to give us an explanation for this and we assure you that your wishes will be fully respected. If you wish to discuss this further please do not hesitate to contact the school.

To summarise, as a school we:

- * will respect your wishes as indicated in the form which you will return to us
- * will not use any personal details or names of pupils to accompany photographs in any school document or on the school website
- * will not use photographs if we name a pupil in a school publication
- * will be sensitive to pupils' wishes and will only use positive and appropriate images of pupils
- * will regularly review any photographs or videos held internally and will delete unwanted material
- * expect you to notify us in writing if you change your mind at any point

Consent form for photographs and media images

For completion by parent / carer and return to school:

As a parent / carer:

I understand that photographs and videos may be taken by the school for the purposes of recording pupils' activities and attainment. I understand that this will be done sensitively and in a positive manner and that this is for internal use only.

In addition, your consent is sought for the following external use:

	Please delete
1a. I agree that you may use an unidentified picture of my child in a school booklet or display to promote the school.	YES / NO
1b I agree that you may use an unidentified picture of my child on the school's website.	YES / NO
1c I agree that my child may appear in a video presentation made by, or authorised by, the school	YES / NO
2a I agree that my child may be photographed, interviewed or filmed by the press, radio or television if permission is granted to those organisations by the Headteacher.	YES / NO
2b I agree that my child's name may be provided to the press, radio or television for possible publication with a photograph or film, given that the above considerations with regard to appropriate use have been made.	YES / NO

I UNDERSTAND THAT THE HEADTEACHER WILL MAKE ANY DECISION ABOUT INVITING THE PRESS, RADIO OR TELEVISION INTO SCHOOL AND THAT, IN THOSE CIRCUMSTANCES, MY WISHES STATED IN THIS FORM WILL BE OBSERVED.

I understand that, if at any point while my child is attending this school I change my mind, I need to let you know in writing about the changes.

Signed _____ Date _____

Name of child: _____

Name of person responsible for child (PLEASE PRINT): _____

Consent form for photographs and media images

Relationship to child: _____

Photographs and videos taken by parents / carers (optional)

Although practice varies from school to school, in this instance the governors have agreed that parents may wish to take photographs or videos of events to which they have been invited, such as Sports Day or a School Play.

* I agree that if, with the permission of the Headteacher, I take photographs or videos of any school event, I will ensure that these are used for personal and family use only, and will not be made available to anyone else. I understand that any other use may be in breach of the Data Protection Act 1998.

Signed _____ Date _____

Name of child: _____

Name of person responsible for child (PLEASE PRINT): _____

Relationship to child: _____

OR:

Photographs and videos taken by parents / carers (optional)

A decision has been taken by governors that parents / carers will be asked NOT to take photographs or video of children at events to which they have been invited. This includes the use of mobile phone cameras.

We ask you to comply with this decision for the safety of all children.



If you need this brochure in
a different format or another
language, please contact us on:

0845 140 0845

Sefton Council 

Children's Services

www.sefton.gov.uk

