



# Layfield Primary School

## Digital Media Policy

March, 2018

**Review Date:** March, 2019

## **1. Policy Overview**

- 1.1 This policy is a statement of the aims of Layfield Primary School with regard to the use of photographs and digital media.
- 1.2 In this policy, 'digital media' includes but is not limited to photographic prints, video, film and digital imaging.
- 1.3 Schools take images of pupils for various reasons eg the prospectus; ceremonies (recognition of achievement, prize giving, sports day etc); functions (discos, charity events etc); curricular activities (communication passports, performance in sport/dance, field trips etc); extra-curricular activities (school sports fixtures, school excursions, class outings etc).
- 1.4 Such images are used to publicise the many activities in which pupils participate and to create a record of an event to show to participants, other pupils and parents/carers. To do this, photographs are displayed throughout the school; videos and photographs are shown to parents/carers, staff and others; media coverage is arranged; prospectuses are published and distributed.
- 1.5 Digital technology has vastly increased the use, and potential opportunities for misuse, of photography.
- 1.6 Layfield Primary School is committed to the protection of children and young people. However, the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing reasonable precautions are taken, the practice of photography, for school events by families and the media, should be allowed. Furthermore, the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police.
- 1.7 Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride which usually enhance self-esteem for children and young people and their families; the practice should continue, within safe practice guidelines.
- 1.8 The school welcomes positive publicity. Photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for the school in publicity materials can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the school's achievements. However, photographs must be used in a responsible way. The school needs to respect the right to privacy of young people and parent's and be aware of potential child protection issues.
- 1.9 Every reasonable effort will be made to minimise the risk by following the guidelines detailed in this document. We must always be mindful of the need to safeguard the welfare of children in our school, and issues of child protection, data protection and parental consent will be given careful thought.
- 1.10 This policy is a blanket policy and covers permission to use images in all forms of publications including but not limited to:
- Our website
  - Our social media feeds including but not limited to Twitter, Facebook and YouTube
  - In printed publications such as the school newsletter and school bulletin
  - In printed publicity literature such as leaflets, banners, posters and the school prospectus
- 1.11 Under the terms of the Data Protection Act 1998, all photographs and video images of children are classified as personal data. This means that no image can be used for display or for school publicity unless consent is given by or on behalf of the individual concerned. With regards to children consent must be obtained from parents or carers.

## **2. Consent**

- 2.1 An image of a person is personal data under the terms of the Data Protection Act 1998 and it is a requirement of the Act that consent from the parent of a child or young person **under the age of 18 years** (the views of the child are also important – see below) is obtained for any photograph or video recording to be taken and used.
- 2.2 In accordance with safeguarding procedures, we will not permit, wherever possible, photographs, film, video or other images of children and young people to be taken or used without the prior consent of the parent/carer and, when appropriate, the young person.
- 2.3 Parents/carers should reach a consensus about whether consent is given and, under normal circumstances; consent given by one parent/carer will be assumed to embrace the consent of both parents/carers. Where parents/carers disagree over consent and convey this disagreement to the school, it will be treated as consent not having been given.
- 2.4 Where a parent/carer has given consent but a pupil declines to have an image taken or withdraws his/her personal consent, it will be treated as consent not having been given and other arrangements will be made to ensure that the pupil is not photographed/filmed.
- 2.5 Layfield Primary School registers whether consent has been given on enrolment to school (see Appendix). The parent/carer, as well as the child/young person, retains the right to withdraw consent at any stage. The parent/carer needs to do so in writing, whereas the child/young person has simply to decline to have the image taken (that is, withdraws consent).
- 2.6 Where parents/carers have refused permission for their child/young person to be photographed or have not returned a correctly completed and signed consent form, the child must be removed from situations where their image may be recorded. Where this is not practical, no images should be recorded.
- 2.7 A database of all pupils where consent has been provided will be maintained in school. This database will then be referred to by school staff, in screening digital media before it is used.
- 2.8 The school would like the vast majority of its pupils to be eligible to appear on the school website and its various other sources of publication.
- 2.9 The policy requirements in this document aim to provide this balance to support innovation whilst providing a framework of good practice.

## **3. Looked After Children**

- 3.1 A 'Looked After Child' will receive the majority of their care outside the family home, possibly through foster carers, or in a residential unit. In either of these circumstances the parent maintains the right of consent for their child.
- 3.2 The general consent protocols should continue to be followed to gain the consent of the parents. It can be assumed that there is no change in the status of a previously obtained written consent, unless a parent, or the child/young person, indicates otherwise.
- 3.3 There may be exceptional circumstances where the child's/young person's detailed whereabouts are withheld from the parent. While the parent maintains the right of consent for the child, it may not be prudent for images to appear either in the media, or on websites. Service providers should discuss this with the allocated social worker to clarify the situation. If there is any doubt then the image should not be published.

3.4 The exceptions where parents no longer maintain the rights of consent are following the legal adoption of their child, or where a Residence Order, or a Parental Responsibility Order exists.

3.5 Under such circumstances:

- Where a child is adopted, the right of consent moves to the adoptive parents.
- Where a child is the subject of a Residence Order there is a shared responsibility by the parents and the carers. In such circumstances the carers have the power to give consent on behalf of the child.
- Where a child is the subject of a Parental Responsibility Order consent would be through the Director, Social Work Services.

#### **4. Summary of the conditions for taking and using images of the pupil should consent be given**

4.1 If a parent gives consent for a digital image of their child to be taken and used by the school, this means we;

- may use and transfer, without alteration, your child's photograph in the school prospectus; in other printed publications which we produce for promotional purposes; and on project display boards, without identification.
- may use and transfer, without alteration, your child's image on or to its website, without identification.

4.2 However specific conditions on the use of images of children are as follows;

- With one exception (see next bullet point) the full name of any pupil will not be used in any accompanying text or caption of any image (on video, on the website, in the school prospectus or other printed publications). First names or full names out of picture order may be used as appropriate so that the image of a pupil is not easily associated with their name.
- The picture and full name of a competition or prize-winner may be used where the explicit consent of both the prize-winner and the parent/carer has been obtained.
- Personal e-mail or postal addresses or telephone or fax numbers of any pupil will not be used in any image (on video, on the website, in the school prospectus or other printed publications).
- Group or class photographs or footage with very general labels, such as "a science lesson" or "making Christmas decorations" may be used.

4.3 To reduce the risk of such images being used inappropriately, only images of pupils who are suitably dressed will be used.

4.4 Pictures of pupils drawn by pupils may be used.

### **3. External Photographers**

3.1 The school will periodically invite an external photographer into school to take portraits/photographs of individual children and/or class groups. The school will take all reasonable care and precautions to ensure the validity of the photographer or agency involved and establish that all correct checks such as a Criminal Records Bureau (CRB) have been undertaken and are valid.

3.2 We will also ensure the levels of supervision are appropriate to safeguard the welfare of children at all times when external photographers are present on the school site.

3.3 Parents should be made aware that, when class or group photographs are taken by a commercial agency, the photographer retains the copyright.

### **4. Use of Digital Media**

4.1. The school operates the following policy regarding the use of digital media published on its website, in the press or social networking sites. To ensure the privacy and safety of pupils at the school:

- Where pupils are named, the full names of pupils may be used if the school considers it appropriate.
- Where a pupil is named, no photograph of that pupil will be displayed unless parental consent has been given to do so.

4.2. By observing these points, the school ensures that visitors to the website, users of the press and social network sites cannot link images of pupils to names of pupils unless it is appropriate and necessary parent consent has been given.

4.3. Members of staff will use school equipment for taking images and recording videos of pupils. The digital media is transferred onto the school network as soon as possible and then removed from their personal device.

4.4. Staff take school equipment on trips and school visits and the digital media is transferred onto the school network as soon as possible and then removed from their personal device.

4.5. When choosing digital media for publication the school will be mindful of the way pupils may appear in them, and will not include images which are in any way inappropriate.

4.6. All media published online and media sent to external agencies will have the approval of the school Senior Leadership Team.

4.7. No other personal information about pupils is ever published such as contact details.

## **5. Digital Media Storage and Retention**

5.1 Layfield Primary School has a duty of care to safeguard images so that they cannot be used inappropriately, or without the agreed terms under which consent has been obtained. Images can be stored digitally, on videotape, in prints or negatives, or electronically on the schools network which is a secure area.

5.2 Photographs must be maintained securely for authorised school use only and disposed of by shredding.

5.3. Once photographs are uploaded to the appropriate area of the school network images will be erased immediately from their initial storage location.

## **6. Transfer of images**

6.1 There is a risk, however small, that images may be lost while in the process of being transferred by either traditional or electronic methods. Therefore, there is the risk that an individual who would use them inappropriately may obtain the images.

6.2. Unless digital media of students is required by an external agency for professional printing or external publication photographs and videos of students will not be distributed via email unnecessarily. Any attachments are password protected.

## **7. Use of images**

7.1 Images will only be used in those situations for which the parent or carer have given consent.

7.2 Images will not be altered or manipulated (eg adding additional people or changing the context or background), without explicit written consent, prior to publication but, they may be cropped to fit a specific area of a design.

## **8. Using digital video**

8.1 Digital video is an exciting medium that can motivate and inspire pupils. Whilst the risks of digital video in education are minimal, as with other images, schools have a duty of care to ensure that pupils remain unidentifiable if examples of digital video work are shown on a school website, thus reducing the risk of inappropriate contact from outside the school.

8.2 If you wish to use pupils' names in credits, use only their first names, and do not attribute individuals to specific roles. Alternatively, consider using two versions of the film with different credits – one with full credits for internal school use, and one without credits for external activities such as publishing on the school website or showing at parents/carers' evenings.

## **9. Web cams**

9.1 There is a legal requirement, similar to that for making video recordings, to obtain the consent of an individual who will be appearing on a web cam for video conferencing or for educational purposes.

## **10. Web sites**

10.1 This is an area that gives particular concern to parents/carers because of the potential misuse of the images of the children. With digital photography there is the remote possibility that images of children could be produced, manipulated, and circulated without the parents'/carers' or children's knowledge.

10.2 The concern, which follows such a risk, is that children might be exploited.

10.3 Including images of pupils on a school website can be motivating for the pupils involved and provide a good opportunity to promote the work of the school. The potential risks of including images of pupils on the website must be balanced against the design principles of creating colourful, attractive and relevant pages, as the school would do with any publication.

## **11. Accidental Photography**

11.1. If a parent or carer has not provided consent for their child to be photographed or videoed, all efforts must be made to ensure that the child is NOT photographed or videoed.

11.2. However, if the child is inadvertently caught on camera, for example in the background, as a reflection, etc., all identifying features (including distinctive apparel) must be obscured beyond recognition before use. If this cannot be done, the image will be permanently deleted.

## **12. Parental Photography**

12.1. Parents or carers are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use.

12.2 The Act does not, therefore, stop parents or carers, other family members and friends from taking photographs or making video recordings at school events, such as nativity plays.

- 12.3 Parents or carers, other family members and friends are not permitted, however, to take photographs or to make a video recording for anything other than their own personal use (eg 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/carers whose children may be captured on film. **Without this consent the Data Protection Act 1998 would be breached.**
- 12.4 Photography in schools traditionally forms an enduring part of each family's record of their child's progress and a celebration of success and achievement as well as being an established social practice.
- 12.5 Where practical, arrangements will be made to allow photographs to be taken by parents and other guests attending school events.
- 12.5 When permission has been given, the school will observe the way in which photographs are being taken during the performances and will withdraw the right of anyone to bring a camera of any sort if they are felt to be making inappropriate images.