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# Marlborough St Mary's CE Primary School



MARLBOROUGH  
**ST MARY'S**  
PRIMARY SCHOOL

## Photographic and Video Policy

*Together we believe, learn and achieve*

# **Marlborough St Mary's CE Primary School**

## **Photographic and Video Policy**

### **Rationale**

Advances in digital technology have vastly increased the use, and potential misuse, of photography. Publicity surrounding concerns about such matters as whether to allow filming of school events has prompted Local Authorities to advise schools to have a policy about the use of photography. In developing such a policy Marlborough St Mary's hopes to maintain trust in the parent/school relationship, and to enable those parents and carers with particular concerns to specify that they withhold their consent for whatever reason.

Following guidelines Marlborough St Mary's has taken the view that the risk of a child being directly targeted for abuse through being identified by a stranger is small and 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 with digital cameras would make banning difficult to impose and police.

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 safe practice guidelines.

### **GUIDELINES**

#### **1. Issues of Consent**

The Data Protection Act 2018 affects the school's use of photography. This is because 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 or carer 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, local media. 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 will acquire consent when any pupil starts at Marlborough St Mary's, to last for the duration of their stay. Signed consent, as part of the permissions consent form, will be obtained from the child's parent/carer and kept on file, covering all cases where images of children are to be published beyond the parameters of school use. Where children are 'Looked After' the school must 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. Parents/carers retain the right to withdraw consent at any stage, but they need to do so in writing.

#### **2. Child Protection**

When taking pictures of children for publication, it is important to make sure the resulting images cannot be construed as being provocative in any way and the photographer should always ensure that the subjects are suitably dressed.

Photographs of children given to the media or used in school publications or the school website will only include the first name of the child unless parents/carers have expressed a preference for the full name to be used.

It is not permissible for staff to photograph or video children using personal mobile phones, smart watches or other personal devices.

### **3. Equalities**

We endeavour to include images of children from different backgrounds in communications (wherever possible), and positive images of children with disabilities to promote Marlborough St Mary's as an inclusive community, and to comply with the Disability Discrimination Act

### **4. Using photographs of children supplied by a third party**

Copyright is an automatic right that arises on the creation of any original artistic work, including photographs. A photographer (or their employer) is usually the owner of copyright in the images that they create. Copyright enables the photographer 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 shall check that the third party owns the copyright in the photograph and we shall obtain their written or verbally recorded permission to use it. Using a photograph, or any digital image downloaded from the internet, without the copyright owner's permission could result in an action taken against us for copyright infringement. Third Parties will generally be under the same obligations as Marlborough St Mary's as set out in the Data Protection Act 1998, to obtain parental consent to the use and distribution of photographs of a child. We shall therefore ask the third party to guarantee that all relevant consents have been given and that they are entitled to provide us with the image.

### **5. Use of Images of children by the Press**

There may be occasions where the press take photographs at Marlborough St Mary's of pupils. The permissions form 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. 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 shall politely check that broadcasters and press photographers we may be chaperoning at Marlborough St Mary's premises are aware of the sensitivity involved in detailed captioning, one-to-one interviews and close or sports photography.

### **6. School Prospectus and other school literature**

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

### **7. Videos**

We must have parental consent before any child can appear in a video. Parents/carers can make video recordings of drama performances and other such events for their own personal and family use, as they are not covered by the Data Protection Act.

### **8. Websites**

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

be criticised or face action. We will, therefore, take care with identification, and respect parental views on the use of any photography of children on a website.

### **9. Parental right to take photographs**

The Data Protection Act 2018 does not prevent taking photographs or making a video recording of children for private use. Parents, carers, friends and family members are therefore permitted to take photographs or make video recordings at school events, such as Nativity plays or sports events. It is not permitted, however, to share photographs or videos of other people's children (e.g. on social media) without the express permission of the child's parents or carers. It is also not permitted 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 or carers whose children may be captured on film. Without this consent the Data Protection Act 2018 would be breached. Data Protection considerations aside, it is possible to consider banning all filming /recording / photography of school productions, sports days etc. if the school feels that this is appropriate. We believe, however, that many parents and carers would consider it to be over-cautious to impose such a ban and we have decided not to take this course of action. The important thing is to be sure that people with no connection with our school do not have any opportunity to film covertly. Staff will approach anyone they do not recognise who is using a camera or video recorder at events and productions.

### **10. Official School Photographs**

The school will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. We check the validity of the photographer/agency involved and establish what checks/vetting has been undertaken. We 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.

### **11. Linked Policies**

- Data Protection Policy
- Code of Conduct
- Safeguarding and Child Protection Policy

### **Conclusion**

This policy will raise awareness of the potential dangers to children whilst providing guidance that is reasonable and proportional and meets Local Authority and DFE guidance.