



Photography Policy

(Protection of Pupils Guidance and Policy)

<u>Status of Policy</u>	<u>Date</u>
Original Policy	Autumn Term 2011 Based on Sunderland Guidelines September 2007
Policy Reviewed	Spring Term 2013 Spring Term 2015
Agreed by Staff	Spring Term 2013 Spring Term 2015
Agreed by Governors	Spring Term 2013 Spring Term 2015
Next Review	Summer Term 2018

Headteacher's Signature:

Date:

Chair of Governor's Signature:

Date:

A Guidance Document

1. Introduction

- 1.1 Photography of pupils in schools and academies is subject to the Data Protection Act 1998 regarding the rights of individuals to have information of a personal nature treated in an appropriate manner and the Human Rights Act 1998, protecting the privacy of individuals and families. As well as these statutory rights, restrictions on photography arise from issues of child protection and copyright in performances (paragraph 4.4).
- 1.2 In this guidance, '*photography*' includes photographic prints and transparencies, video, film and digital imaging and '*in the academy*' is whenever and wherever pupils and young people are the responsibility of the East Herrington Primary Academy. '*Parent*' means anyone with parental rights and responsibilities in relation to a pupil.
- 1.3 This guidance is intended to:
 - facilitate photography for business purposes;
 - respect the rights of the individual;
 - safeguard child protection;
- 1.4 East Herrington Primary Academy recognises the issues of child protection and personal privacy and a policy aimed at safeguarding pupils exists, (see Appendix 1).
- 1.5 Sensitivity is as important in dealing with photography as it is in processing other personal data. Court cases have occurred because photographs have been used inappropriately. For example, parents objected to a picture of their child with special needs, taken without their knowledge or permission and used to illustrate an 'aids strategy' document. Objections have arisen as a result of photographs being used many years later when the subject's circumstances had significantly changed.
- 1.6 The use, specifically of mobile camera phones, during school time is not acceptable. This is in view of the risks inherent in such use, possibly but not necessarily covert, which include the existence and/or distribution of photographs contrary to the wishes, welfare and privacy of pupils, young people and staff.

2. Photography by Academy Staff

- 2.1 The business of the Academy can involve staff in the photography of pupils and young people for the following main purposes:
 - a) Pupil administration
 - b) Curriculum and course work
 - c) Corporate and community

Copyright and use of these photographs is carefully controlled by the academy, i.e. retained safely or issued to the pupil concerned.

- 2.2 Photographs held in the Academy must be annotated with the date on which they were taken and stored securely. They should not normally be used other than for their original purpose, unless permission of subject is obtained.

- 2.3 Photographs must be destroyed or deleted from databases once they are no longer required for the purpose for which they were taken. For example, a photograph for identification purposes may endure for several years but should not be retained when replaced or expired. Photographs taken for publicity and promotional purposes should be retained for a maximum of two years. Photographs contributing to the history of the school, its pupils, activities or the community can be retained indefinitely.

3. Photographs by other Authorised Agencies

- 3.1 The involvement of other agencies may only be authorised by the Headteacher. The other agencies are:
- Commercial photographers commissioned by the Headteacher. Copyright rests with the photographer.
 - The press and other media. Copyright rests with the photographer.
 - Officers of the council, including Children's Services. The authority controls copyright.
- 3.2 The purpose of the pictures must be explained to the parents or the students themselves (if over school leaving age) and written permission sought on each and every occasion. Pupils or students must not be photographed for these purposes under any circumstances unless written permission has been obtained.
- 3.3 Parents should be made aware that, when class or group photographs are taken by a commercial agency, the photographer retains copyright. Parents must be given contact details of the agency used.

4. Parental Photography

- 4.1 Photography must not be allowed to upset the performance or smooth running of the event or affect the health and safety of pupils and others.
- 4.2 A pro-forma (Appendix 2) is issued to parents at first enrolment and renewed annually registered their permission/non-permission for parental photography.
- 4.3 Parental photography, when permitted, must not include any child whose parent has refused consent for any reason. This may mean a photograph of an event may be taken by staff before or after the event of the children who have permission to be photographed..Parental photography is secondary to the main aims and purposes of performances and must not be allowed to interfere with the opportunities for pupil participation.
- 4.5 Commercial copyright in a dramatic performance or musical will normally exclude any audio or video recording by the public (i.e. other than the Authority or the school for internal purposes) and in that event parents and their guests must be informed that the infringement of copyright is strictly forbidden.

APPENDIX 1

Photography Policy Statement

East Herrington Primary Academy, has a photography policy, which is in accordance with data protection and human rights legislation.

Photographs taken for curricular, assessment, security, registration, training and development or travel reasons will not be used for any other purpose.

Publicity photography is helpful in publicising the success of the Academy and in promoting educational initiatives. From time to time members of the press and media are invited into schools to cover events celebrating success. However, the views of parents who, for any reason, do not wish their children to appear in such photographs will be respected at all times.

Academy Trips

Photography by staff on school trips and visits may be used in the curriculum and displayed within the school or at parents' evenings to illustrate the work of the school.

Concerts/Plays/Prize-giving/Sports Days

If photography is permitted, parents and guests should take care to avoid distracting pupils and the audience. They should observe any constraints imposed by school staff. Video or sound recording of a copyright musical or theatrical performance is normally forbidden and photography may also be restricted for reasons of child protection or out of respect for the rights and privacy of individuals. If so, photography opportunities will, instead, be arranged by the school before or after a performance or an event, if possible.

If parents are unsure whether or not permission has been given by staff to record a particular performance or event, parents should ask the Headteacher.

School Photographer

Class and individual or group photographs are annual school events. Parents are asked in advance whether or not they wish their children to be included in these events. Reputable commercial photographers are involved and the law allows them to retain the copyright in the photographs.

APPENDIX 2

Dear Parent/Guardian

Parental consent form for the use of photographs of children

Pupils are photographed in connection with plays, concerts, prize giving, residential, trips, performances and sports events for Educational purposes.

We require on an annual basis your permission for these photographs to be taken.

- 'Photography' includes film, video and digital imaging
- 'Parent' means someone who has parental responsibilities for a pupil
- Students over school leaving age may complete this form on their own behalf

Please note: The Academy may not be able to comply with your request if the record is needed for National Curriculum purposes.

✂ _____

I give permission for photographs of my child to be taken.

(Child's name): _____

Signed: _____ (Parent/Guardian)

Date: _____

I do not give permission for photographs of my child to be taken.

(Child's name): _____

Signed: _____ (Parent/Guardian)

Reason: _____

Date: _____

East Herrington Primary School
Use your Camera and Video Courteously

A guide for parents when photographs or videos are allowed at an Academy event.

Generally photographs and videos for academy and family use are a source of innocent pleasure and pride, which can make children, young people and their families feel good about themselves. By following some simple guidelines we can proceed safely and with regard to the law.

- Remember that parents, carers and others, attend academy events at the invitation of the head teacher.
- The head teacher has the responsibility to decide if photography and videoing of performances is permitted.
- The head teacher has the responsibility to decide the conditions that will apply so that children are kept safe and that the performance is not disrupted and children and staff not distracted.
- Parents and carers can use photographs and videos taken at an academy event for their own personal use only. Such photos and videos must not be sold and must not be put on the web/internet. To do so would likely break Data Protection legislation.
- Parents and carers must follow guidance from staff as to when photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and carers must not photograph or video children changing for performances or events.
- If parents are accompanied or represented by people that academy staff do not recognise they may need to check who they are, if they are using a camera or video recorder.
- Remember that for images taken on mobile phones the same rules apply as for other photography, parents / carers should recognise that any pictures taken are for personal use only.