

SCE POLICY ON THE TAKING OF VISUAL IMAGES OF CHILDREN IN SCE SCHOOLS.

Definitions:

- The term “child” means all children age 0-16 (18 for children with SEN)
- The term “parents” in this document is taken to mean the child’s legal parents or carers
- The term “school” includes all FS1 (nursery) settings line managed by SCE schools.

SCE POLICY:

Aim: To enable schools to use visual images of pupils for educational purposes with the consent of parents, while protecting the pupils from potential misuse of such images.

The purpose of the use of visual images in SCE schools:

- The use of visual images of pupils (photographs and videos) for educational reasons is an important element contributing to the records of pupils’ learning, progress and achievement in SCE schools. It is good practice for schools to share such visual records of information with the child and parent(s).
- All visual images taken in school must be for clear educational purposes only, and belong to the school. They should be accurately recorded, dated and stored securely in school until individual images are handed over to parents or destroyed when a child leaves. Group images should be destroyed after a suitable period of no more than five years.
- School photographs and videos also provide the important opportunity for parents to “share” in their child’s school life, and to provide memories of this for the child and the parents. This is particularly important within SCE schools, where many parents will be on deployment or detached duty, away from home often for long periods, and unable to visit the child’s school regularly.

Parents’ Permission

It is SCE policy that on a child’s entry to a SCE school, the written permission of the child’s parent(s) is obtained for the taking of the child’s visual image in school activities / events. (A generic parental permission form for schools to adapt is at Annex A)

If such permission is not obtained from parents, schools should follow the guidelines attached to this policy.

GUIDELINES FOR SCE SCHOOLS ON THE MANAGEMENT OF VISUAL IMAGES IN SCHOOL

School management of visual images of pupils

- A member of school staff should be nominated as the “responsible person” to ensure that this policy and guidance is understood and implemented by all staff.
- Any member of school staff taking photographs or videos should sign an undertaking stating that the visual images are produced for the child's and parents' / school educational use only. (A generic staff form for schools to adapt is at Annex C)

Requirements for careful management of the use of photographs and videos in SCE schools.

◆ Data Protection Act 1998

Since the Data Protection Act 1998 came into effect from October 2001 there have been issues of concern which require careful consideration regarding the need for controlled use of photographs and videos, to prevent their misuse. It is not illegal to take photographs or video images of children in schools, but photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act.

Schools must therefore ensure that all school digital photographs and videos are recorded carefully and stored in a secure school folder /file.

◆ The Human Rights Act 1998

Article 8 of the Human Rights Act outlines the right to privacy as the “Right to respect for private and family life, the home and correspondence”. Parents give permission for their child to be photographed until the child is of the age to give his/her own consent.

◆ MoD DCIs relating to the use and management of photography and videos

DCIs GEN 91/02 GEN 276/02 and GEN 205/03 issue generic guidance on the use of videos, films, photographs and digital photographs within MoD. They apply to all Agencies within MoD and apply to civilian personnel taking photographs for official use.

These DCIs have been noted and considered within this policy. Advice has also been taken from AG Data Protection Focal point and LAND Legal department.

◆ Child Protection legislation and policy :

Advice from BF Social Work Service (BF SWS) states that although there is no legal restriction regarding taking photographs of children without their parents' consent, it is considered good practice in line with the Human Rights Act 1998 to obtain this.

It is also considered good practice in terms of child protection to keep parents actively and regularly informed about the measures being taken to safeguard pupils from the misuse of pupil visual images and information.

The BFG Area Child Protection Committee (ACPC) welcomes the advice in this document and will ask all other Agencies to sign up to this document.

Issues for SCE schools:

There are three main issues to consider:

1. The management and control of educational photographs and videos taken by school staff
2. The management of the taking of photographs and videos in school by parents at school events.
3. The management of requests for the taking of photographs and videos in school by other persons.

1. The management and control of official school photographs and videos

- A member of school staff should be nominated as the "responsible person" to ensure that this policy is implemented by all staff.
- There should be an undertaking completed and signed by all those staff taking school photographs / videos which states clearly that these are produced only for the child's / parents' / school's use. (Generic example at Annex C)
- The educational purpose of the use of photographs / videos by the school must be made clear to all parents on their child's admission to the school. Such photographs / videos must have a clear professional educational aim and be specific to the individual child / school and not for use elsewhere, except where specific permission has been given for other use by SCE. (eg SCE leaflets and documents) This information should be included in school booklets and at admission meetings for new parents.

- A written permission slip for the school to photograph children for educational purposes must be obtained from each parent on their child's entry to the school. (Generic sample at Annex A)

If a parent does not give this permission then this must be carefully recorded in class /group information and their child must be sensitively removed from the class/ group for photographs or videos of the activity, event, or routine being recorded. For routine school activities it is then practical for the child's teacher/practitioner to be a delegated "responsible person", accountable to the school's "responsible person", to ensure that this happens.

- Details of the date and timing of any special school events and activities to be recorded by photograph / video are to be clearly stated to parents in advance. For any such specific events outside of the "normal" school daily routines (eg swimming gala / visits/ sports day/ fun days) parents should be requested to notify the school if they do not wish their child to be included. Parents may have particular religious and cultural views on such activities, which must be respected. Permission will be assumed unless the school is notified otherwise. The "responsible person" must ensure that any children whose parents have not given permission for the inclusion of their child in photographs or videos are excluded, sensitively, from such recordings of the event or activities on the day.
- The final date for distribution to parents of their individual children's photographs, should also be notified to parents annually. It is suggested that when a pupil leaves the school, or by the end of maximum five years, would be appropriate times for such distribution (or destruction if the parents does not wish to have the photographs) of individual visual images. For group images the destruction of all such group material should occur by the end of maximum five years. The member of staff identified as the "responsible person" must ensure that this is effected.

Further guidance on key points for the management of visual images in schools is at Annex B

2. The management of the taking of photographs and videos in school by parents at school special events.

- This is a more difficult area to address, as the school cannot control what happens to such photographs or videos taken by parents.
- Some Local Authorities and schools in UK have issued guidelines which state that the taking of photographs and videos of school events to which parents are invited can only occur where the school or organiser has the written permission from the parents of **all** children involved.

- This would be very difficult and time consuming for SCE schools to organise in time for every special school event, and it would only require one parent not giving their written permission, or failing to return the permission slip, for permission for all to be withdrawn.
- Parents who do not give their written permission for all parents to photograph or video special events could not be asked to withdraw their child and themselves from the special event, as this does not meet the SCE equal opportunities policy.
- It is therefore recommended that this matter is fully discussed at a school SAC meeting, and the SAC can undertake a risk assessment regarding all such school special events, either as annual or individual matters.
- Prior notification to parents of a special school event should state clearly if the taking of photographs / videos by parents is permitted. Schools should seriously consider the possibility of a “blanket” ban on the taking of photographs / videos for everyone attending such events, and consider the better option of taking official school photographs or a school video of the event.
(See Annex B)

3. The management of requests for the taking of photographs and videos in school by other persons.

- The headteacher is to establish the clear purpose and the professional aim of the request in writing to the school from the individual / group.
- The headteacher / “responsible person” is to contact the HQ SCE Data Controller - ACE(Ops) - to seek approval for the request, or to obtain further advice from AG / LAND Legal department .
- If the activity is approved by HQ SCE as suitable, the headteacher / “responsible person” is to explain the SCE schools’ policy on visual images of pupils, and that the individual / group will be responsible and accountable for adhering to this. The individual / group is to be requested to sign an agreement to say they have read and understood this policy on visual images of SCE pupils and agree to adhere to it. They must also sign an undertaking to state that the use of the visual images is only for the specific purpose, as stated in the application to the school.
(The generic staff form at Annex C can be adapted for this purpose)
- The headteacher/ “responsible person” is to inform the individual / group that it is their responsibility to produce explanatory letters with tear-off permission slips for distribution to parents of all potential children involved in the recording. It should also be explained that the individual/ group is also responsible for the return, collation and sorting of the replies into those children with / without parents’ permission. Copies and collated lists of these

replies are to be returned to the school's "responsible person" for information and monitoring of action on the day(s) of recording, to ensure that only children with parental permission are photographed or included in videos.

- On the day of the video recording or photographs the headteacher is to ensure that the school's "responsible person" is available to ensure that only those children with parents' permission are included in the recording / photographs.

Issued September 2004

Annex A –

Parental consent form for educational photographs and videos taken by school

In accordance with the Data Protection Act 1998, Service Children's Education will collect, use, protect and retain the information on this form in connection with all matters relating to our personnel administration and policies.



Name of School / FS1 setting

Name of child

Year group

Name of class/ group
teacher / practitioner

Date of admission to school

Declaration / Affirmation:

By signing this form you are confirming that you give your permission for your child to be included in photographs and videos taken by the school for SCE educational purposes only, and that you agree that your child's personal data in these images can be used as stated in the SCE schools' visual images policy.

I / We agree to our child being photographed by school staff for educational purposes as outlined in the SCE schools' policy and guidance and in the school information booklet and information given at admission meetings.

Name of Parent(s)

(Please PRINT)

Signed Date

Signed Date.....

Annex B

Key Points for consideration regarding photographic images

- Always ask parents for permission to use the image of their child
- Choose photographs that feature several children rather than just one child
- Do not provide caption information about a child's likes, dislikes etc., because this can be used to trace, contact and meet a young person.
- Never give both the first name and surname of a child in a caption to a photograph
- It is advisable to take photographs in such a way as to protect the children's individual identities – eg from an angle, at a distance, in profile.
- If a teacher or other member of school staff is clearly the main focus of a photograph, working with a group of children, then the children are considered to be “background” to the photograph and the photograph is not considered to be “personal data” of the children. Obviously permission to photograph the member of staff, with clear notification of the purpose, is required.
- Care should be taken to ensure that a filename of a photograph cannot identify a child – eg marygreen.jpg. Use a class group reference instead.

Key points for consideration regarding video recording

- Some schools in UK have imposed a ‘blanket’ ban on the use of any photographic or video equipment by any spectator or audience member.
- Some schools in UK have made their own video recording of an event and provided copies for purchase, on a not for profit basis.

Key Points for visits by an approved official photographer. He / she must -

- Be notified to parents at least the day before the day of the recording. The school's “responsible person” must note any children who should not be featured, and ensure this is effected.
- Wear the school's official Visitor's badge whilst on the premises.
- Have from the school a clear explanation as to what they expect as appropriate behaviour. The photographer should sign as read and understood a copy of the SCE schools' visual images policy.
- Not have unsupervised access to pupils, or one to one photographic sessions.
- Be accountable for any concerns from parents, which should be reported to the headteacher.
- Be accountable for any concerns regarding inappropriate or intrusive photography, which should be reported to the headteacher and recorded in the same way as any other child protection issue.

Annex C –

Staff undertaking form for educational photographs and videos taken for the school

In accordance with the Data Protection Act 1998, Service Children's Education will collect, use, protect and retain the information on this form in connection with all matters relating to our personnel administration and policies.



Name of School / FS1 setting

Name of member of staff

Post held

Purpose of photographs / video

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Declaration / Affirmation:

By signing this form you are confirming that you adhere to the SCE Policy and Guidelines on the taking of visual images of children in SCE schools, and undertake only to photograph / video children and staff in school for SCE educational purposes, to be available only to the school / the child and his/ her parent(s) or HQ SCE for a previously agreed purpose.

I agree to undertake photographs / video of children and staff only according to the SCE Policy and Guidelines on the taking of visual images by school staff for educational purposes, as outlined in the SCE schools' policy and guidance documents, and in the school information booklet and according to information given at school admission meetings.

Signed Date

Received by school's "responsible person"

Signed Date.....