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The Fierté Multi-Academy Trust

# Policy for the Safe Use of Children's Images



## Document and Version Control

<b>Document Title</b>	Policy for the Safe Use of Children's Images
<b>Effective Date</b>	Summer 2024
<b>Policy Owner</b>	DPO
<b>Policy Approver</b>	Trust Board

<b>Version</b>	<b>Date</b>	<b>Amended by</b>	<b>Comments</b>
V1	Summer 2019	Linda Webster	Issued
V2	Summer 2021	Linda Webster	Equality Statement added
V3	Summer 2022	Linda Webster	Updated Data Protection Act 1998 to Data Protection Act 2018
V4	Summer 2023	Linda Webster	No changes made
V5	Summer 2024	Linda Webster	No changes made

<b>Section</b>	<b>Changes Made</b>

## Introduction

Making use of photographs for publicity materials and to promote our academy can increase pupil motivation and staff morale and help parents and the local community identify and celebrate the academy's achievements. Children's photographs add colour, life and interest to articles promoting school activities and initiatives.

However, photographs must be used in a responsible way. Our academies and OPOJ settings need to respect children's and parents' rights of privacy and be aware of potential child protection issues. At Fierté Multi Academy Trust every reasonable effort will be made to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs. This policy applies to the use of photographs in school publicity materials, on its website and in the press.

This policy reflects the consensus of opinion of the staff and governing boards of all academies within the Fierté Multi Academy Trust. Its implementation is the responsibility of all staff. Parents and visitors will be made aware of this policy.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any individual and it helps to promote equality across Fierté Multi- Academy Trust.

## Child Protection

There may be a risk when individual pupils can be identified in photographs. For that reason, the trust board have developed this policy to make every effort to minimise risk.

In the event of the inappropriate use of children's photographs the Headteacher will inform the local Child Protection Officer and Social Services and / or the Police.

## Data Protection Act 2018

Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 2018. Therefore, using such images for trust/academy publicity purposes requires the consent of either the individual concerned or in the case of pupils, their legal guardians.

Our academies will not display images of pupils or staff on websites, social media, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the academy have access.

Where photographs are taken at an event attended by large crowds, this is regarded as a public area, so it is not necessary to get permission of everyone in a crowd shot. The Data Protection Act does not apply to photographs or films taken for personal use by family and friends.

## Appropriate Use of Images in Academy Publicity Materials

The staff, trustees and governors of Fierté Multi Academy Trust will:

- Ensure that images are stored securely and used only by those authorised to do so.
- Ensure that electronic images are stored on a secure network to which members of the public have no access.
- Only publish learners work with the permission of the learners and parents or carers.
- Not use an image of any child who is subject to a court order.
- Secure parental consent for the use of children’s photographs.
- Not use photographs of children or staff that have left the school without their consent.
- Ensure that children are appropriately dressed – a minimum of a vest/shirt and shorts.

## Trust/Academy Websites

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the staff, trustees and governors of Fierté Multi Academy Trust are aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people. The trust will seek the consent of parents regarding the use of images on the Internet. Children’s names will not be included in photographs of any children published on trust/academy websites.

## The Press

The use of photographs in newspapers and magazines is already subject to strict guidelines. The Press Complaints Commission’s Code of Practice states that:

*‘Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children’.*

Pupils must not be approached or photographed during the academic day without the permission of the Trust.

There is no breach of the Data Protection Act 2018 in passing on a child’s name to a journalist as long as parental consent has been secured. *(Fierté Multi Academy Trust will implement any changes that may be required following the implantation of the Data Protection Act 2018 and advise all stakeholders).*

Fierté Multi Academy Trust will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian have provided their consent.

## Filming Events

It is usual for parents to take photographs and videos of children at academy events such as class assemblies, Year 6 leaver’s production and Sports Day. Any objections to this should be addressed to academy Headteachers. In accordance with guidance from the Information Commissioner’s Office, parents / carers are welcome to take videos and digital images of their children at academy events for their own personal use. To respect everyone’s privacy and in some cases protection, these images should not be published / made publicly available on social networking sites, nor should parents / carers comment on any activities involving other pupils in the digital / video images.

Staff and volunteers are allowed to take digital / video images to support educational aims, but must follow academy policies concerning the sharing, distribution and publication of those images. Those images should only be taken on school / academy equipment; the personal equipment of staff should not be used for such purposes.

On occasions, commercial video films may be made of children on educational visits and performing in trust/academy productions. Parents will be informed where arrangements have been made for a commercial photographer to film such an event.

Where a commercial photographer is used, the trust will follow the NSPCC guidelines which are as follows:

- o Academies should provide a clear brief about what is considered appropriate in terms of content and behaviour.
- o Academies should issue the photographer with identification which must be worn at all times.
- o Academies should let parents and children know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs.
- o Academies should not allow unsupervised access to children.
- o If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the Headteacher who would report them in the same manner as any other child protection concern.
- o If academies or parents have concerns regarding the use of filmed images by television companies, they should contact the Office of Communication (Ofcom).

Any objections to this policy should be addressed to the Headteacher.

## **Camera Phones in Academies**

Concerns have been expressed about the risks posed directly and indirectly to children through the use of camera phones on academy premises.

In order to minimise risk at our academies:

- Staff will only use mobile phones in the staff room during teaching hours.
- Visitors will be advised of the ban of mobile phones and will be asked to leave them with the office.
- Children who bring a mobile phone onto academy premises must hand their phone in at the office at the beginning of the academic day and collect at the end of the academic day.

## **Parental Consent**

The trustees of Fierté Multi Academy Trust will seek the consent of parents/carers regarding the use of photographs of learners. The consent will include agreement on:

How and where photographs will be used, and the period of consent.

The consent form in Appendix A has been produced by the Data Protection Officer Mrs. L. J. Webster in compliance with UK GDPR guidelines.

## **This policy makes references to the following national documents**

General Data Protection Regulations

Data Act 2018

NSPCC website

The Press Complaints Commission Code of Conduct

## **Appendices**

Consent form for use of photographic images

Conditions of use



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**The Fierté Multi-Academy Trust**

## **CONSENT FORM** (for use of photographic images)

Name of child: .....

Academy: .....

Occasionally, we may take photographs of the children in our academy. These images may be used in our academy prospectus, in other printed publications that we produce, on our trust/academy websites, or on project display board. We may also make video or webcam recordings for school-to-school conferences, monitoring or other educational use.

Occasionally our academy may be visited by the media who will take photographs or film footage of a high profile event, or to celebrate a particular achievement. Pupils will often appear in these images, which may appear in local or national newspapers or on televised news programmes. **(See Conditions of Use for more information on use of images by the media).**

In order that we can protect your child's interests, and to comply with the General Data Protection Regulation (2018) **please read the Conditions of Use attached to this form before answering the following questions, then sign and date this form. Please return the completed form (one for each child) to school as soon as possible.**

1. May we use your child's photograph in the academy prospectus and other printed publications that we produce for promotional purposes, or on project display boards, etc?  
 Yes       No
2. May we use your child's image on our trust/academy Website?  
 Yes       No
3. May we use your child's image on our trust/academy Social Media profiles?  
 Yes       No
4. May we record your child's image on video?  
 Yes       No

5. May we allow your child to appear in the media as part of the trusts involvement in an event?  
 Yes       No
6. I agree that if I take digital or video images at, or of Trust/academy events which include images of children, other than my own, I will abide by these guidelines in my use of these images.  
 Yes

**I have read and understand the conditions of use attached to this form.**

Name (block capitals please): .....

Parent's or Carer's signature: .....

Date: .....

**CONDITIONS OF USE**

1. This form is valid for the period of time your child attends this academy. Your consent will automatically expire after this time.
2. The Fierté Multi Academy Trust will not re-use any photographs or recordings after your child leaves this academy without further consent being sought.
3. The Fierté Multi Academy Trust will not use the personal details or full names (which means first name **and** surname) of any child or adult in a photographic image, on video, on our website, social media profiles, in the academy prospectus or in any of our other printed publications.
4. The Fierté Multi Academy Trust will not include personal e-mail or postal addresses or telephone numbers on video, on our website, in our academy prospectus or in other printed publications.
5. If we use photographs of individual pupils, we will not use the full name of that child in any accompanying text or caption.
6. If we use the full name of a pupil in text, we will not use a photograph of that child to accompany the article.
7. We may include pictures of pupils and teachers that have been drawn by pupils. We may use group or class photographs or footage with very general labels, such as 'a maths lesson'.
8. We will only use images of pupils who are suitable dressed.
9. Parents should note that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.



## Notes on Use of Images by the Media

If you give permission for a child's image to be used by the media, then you should be aware that:

- The media will want to use any printed or broadcast media pictures that they take alongside the relevant story.
- It is likely that they may wish to publish the child's name, age and the academy name in the caption for the picture (possible exceptions to this are large group or team photographs);
- It is possible that the newspaper will re-publish the story on their website, or distribute it more widely to other newspapers or media organisations.