



**Holtsmere End Junior School**  
**Safe use of Images Policy**  
**Spring 2022**  
**To be reviewed Spring 2023**

### **Purpose**

Increasingly, technology is making it easier to use pictures and images in news and media, printed materials or on websites as well as on social media. Along with this increased freedom, Holtsmere End Junior School believes that it has a responsibility to ensure that individual and parental rights are respected, and that vulnerable individuals are protected from risk or exploitation.

### **Summary**

There needs to be special care taken when obtaining and publishing images of children.

Issues of child protection and parental consent cannot be taken for granted and the consent of the Head Teacher is **not** sufficient. There may be reasons for a child's picture not being used that only a parent or guardian may know.

This policy puts into a place a structure whereby images of children, are properly safeguarded.

A full policy is available on request from the school office.

### **Relationship to other policies**

- Whole School Policy for Safeguarding, including Child Protection
- The Complaints Procedure
- The Esafety and Acceptable Use Policy

### **Roles and responsibilities**

- Governing Body
- All staff
- Parents/Carers

### **About the Policy**

Increasingly, technology is making it easier to use pictures and images in news and media, printed materials or on websites as well as on social media. Along with this increased freedom, Holtsmere End Junior School believes that it has a responsibility to ensure that individual and parental rights are respected, and that vulnerable individuals are protected from risk or exploitation.

This policy is intended to apply to all forms of publication, in various print media, on film or video, and electronically on websites including social media.

Throughout the policy, photographs (both digital and film) and video are referred to as images.

There needs to be special care taken when obtaining and publishing images of children.

### **The Legal Framework**

The 2018 Data Protection Act now covers the use of images. It provisions extreme caution about using old photographs or any sort of stored image for a new purpose. Express permission of the individuals is required. The Information Commissioners Office Good Practice Note "Taking Photos In Schools" is available from [www.ico.org.uk](http://www.ico.org.uk)

Access must be given to stored images on request, and arrangements made for the destruction of out of date images.

Common law holds that a child lacks the legal capacity to give valid consent and that capacity is usually invested in the parent or guardian of the child.

For practical purposes, it should be regarded that a young person has the capacity to give consent at the age of 18 years.

To obtain consent for children in care, the school must contact Hertfordshire County Council, Children's Services.

### **Gaining Valid Consent – Adults**

A clear and full explanation of what the image will be used for must be given to the person before consent is given.

Where possible, a written explanation of the purpose and final use of the images should be provided with consent in writing requested.

In the event of little notice of images being taken (e.g. media arriving at short notice to cover an event), it must be ensured that those being photographed / filmed know that this is for use in news coverage. This gives them the opportunity to withdraw if they wish to do so.

### **Gaining Valid Consent – Children and anyone under 18**

Written consent must always be sought from a parent or guardian before the images of children and young people are published. That consent must be based upon a clear and full understanding of what the images will, and will not, be used for.

If there is disagreement between the parents of a pupil it should be taken that consent is not given.

Where there is no opportunity to give consent e.g. if the media want to film or photograph in school at very short notice, it should be demanded that shots be arranged which do not identify individual pupils.

Outside agencies that ask the school to distribute their own permission forms will have their list of uses for images reviewed prior to any forms being given to parents. Any that are deemed to be too extensive will not be distributed and photographs by them will therefore not be permitted.

### **Photography or Filming by Parents**

It is natural for parents to want to record their children's time at school, especially when they take part in activities such as sports, concerts or other types of shows. Some issues can arise however, e.g.

- Disturbance to other members of the audience
- Distraction to those taking part
- Parental objection
- Child protection concerns.
- Children's images being distributed on social media without consent

The decision whether or not to allow photography or recording, rests with the Head Teacher in consultation with the Governors. Before the start of a event, the head teacher or other suitable person shall communicate to the audience whether it is or isn't permitted to take photographs.

They will also state that no images should be shared online, including on social media.

In order that all parents are apprised of the fact that the school usually raises no objection to images being taken by parents during school performances, and have an opportunity to object, this will be included within a newsletter at the beginning of each year and within the school prospectus / profile.

If an objection is raised and the decision not to allow recording of images is made, the school will consider ways in which the difficulties this causes can be overcome, e.g.

- Explanation of the reasons for the decision
- Organisation of professional photography (after parents are given the usual opportunity to object)
- Opportunity to record a dress rehearsal when an objector would be able to withdraw their child.

### **Photography or Filming by young Persons**

Increasingly, children and young people are in possession of their own devices that are able to record film or take still images. It is natural for children to want to take images or film at school events but the responsibility for the use of such images must lie with the parents of the children in possession of them. The conditions governing these are above (Photography or Filming by

Parents). However, pupils at Holtsmere End Junior School will be taught about the use of images as part of their learning about Esafety.

Permission for use of photographs in other media publications is covered by the parental permission slip all parents complete on entry to the school.

### **Naming Children**

Unless there is a particular reason for a child to be named (e.g. prize winner), primary school children should generally not be named. Instead, children should be identified by first name only – “John in Year X”

If it is felt appropriate for a child to be named in full, consent must be obtained from the parent / guardian and, whatever the decision, the newspaper (or other news organisation) must be informed of the decision **before** a photographer is sent out.

Children’s addresses or other contact details, such as e-mail must **NEVER** be supplied or published.

### **Portrait Photography in School**

Whilst the school facilitates this arrangement, it cannot take responsibility for issues such as copyright and the use of images held by the photographer.

Nevertheless, the school will:

- Take reasonable steps to ensure the bona fides of the photographer
- Ensure that parents know about the photo sessions **BEFORE** they take place so that they have an opportunity to withdraw their children
- Ensure that children whose parents have objected are not photographed
- Provide reasonable supervision during the photo session

### **Corporate Images**

Consent may be necessary for corporate images as well as people e.g. a picture of a business or a factory. The school will approach any organisation or company whose image it may wish to replicate.

### **Re-using of Old Images**

To avoid the accidental re-using of images consented for one reason, being used for another, all images that have been stored either as photographs or electronically will be securely kept, labelled and dated.

Computer images will be kept for no longer than the duration of a child’s stay at the school.

Archive photographs and digital hard copies will be archived **for school use only** and saved /archived images will have their approved uses recorded alongside them.

### **Web Images**

Downloaded images may not have been cleared for general use. If the school is in doubt as to whether an image has been cleared, it will not be used.

### **Complaints Procedure**

Parents should follow the school’s normal complaints procedure in most cases.