




# Use of Images Policy

Ratified Date:	15 <sup>th</sup> June 2020
Signed:	
	Lynne Thornton, Chair of Governors
Review Date:	Last reviewed - June 2020 Next review date – June 2021

**REVIEW SHEET**

The information in the table below provides details of the earlier versions of this document and brief details of reviews and, where appropriate amendments which have been made to later versions.

<b>Version Number</b>	<b>Version Description</b>		<b>Date of Revision</b>
1	Original		
2		Change of Parental form at back to match Data Protection Appendix form Resolution of age of consent of 13	June 2020

## Introduction

We live in an age in which digital technology has 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 us to advise that Cumbria Academy for Autism (CAA) have a policy about the use of photography. When developing and reviewing this policy, Trustees and Governors will open the issue for discussion with parents, to maintain trust in the parent school relationship, and to enable those parents with concerns to specify that they withhold their consent for whatever reason.

Children are usually abused by someone they know. We have taken the view that the risk of a child being directly targeted for abuse through being identified by a stranger is so small 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 smart phones, as 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 and young people, and their families, and the practice should continue, within safe practice guidelines.

## USE OF IMAGES POLICY

### Issues of Consent

The Data Protection Act 1998 affects our use of photography. This is because an image of a child is personal data for the purpose of the Act, and it is our requirement that consent is obtained from the parent 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, school productions). It is also important to us to ascertain the views of the child. [Article 8](#) of the GDPR allows Member States to decide the age at which children can consent to the processing of their personal data in the context of an ISS, at national level. The UK has set this limit at age 13, but other Member States have set different age limits. CAA Has decided that we listen to the pupil and their views but due to our pupils having an EHCP, Parental consent will still be sought until the age of 18 although this will be reviewed at individual request and circumstances.

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, CAA will seek that consent when the pupil starts at the school, to last for the duration of their stay. A signed consent form, as attached to this guidance, should be obtained from the child's parent/guardian, 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" CAA will 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 retain the right to withdraw consent at any stage, but they need to do so in writing.

### Planning photographs of children

Images and details of pupils published together allow for the remote possibility that people outside the school could identify and then attempt to contact pupils directly. The measures described below should help to minimise the risk of such unsolicited attention.

- Where possible, general shots of classrooms or group activities rather than close up pictures of individual children. Consider the camera angle; photographs taken over the shoulder, or from behind are less identifiable.
- Use images of children in suitable dress and take care photographing PE or swimming events to maintain modesty, using team tracksuits if appropriate for example.
- Remember to include images of children from different ethnic backgrounds in your communications wherever possible, and positive images of children with disabilities to promote our school as an inclusive community, and to comply with the Disability Discrimination Act.
- Logos or emblems on sweatshirts etc can identify children. Depending on the use to which the photograph will be put, consider airbrushing logos.
- Consider alternatives. Is a photograph of the children necessary, or could an article be illustrated by the children's work for example?

## Identifying pupils

The Department for Education (DfE) advise that where consent is unclear, if the pupil is named, avoid using their photograph. If the photograph is used, avoid naming the pupil. Therefore, CAA will:

- Use the minimum information. Ask whether it is necessary to accompany a picture with the pupils' names, the year group, or the school.
- When fully naming pupils in any published text, whether in the school's brochure, website, or in the local press, we will avoid using their photograph, unless we have parental consent to do so.

## Using photographs of children supplied by a third party

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work 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 CAA will check that the third party owns the copyright in the photograph and we will obtain their written or verbally recorded permission to use it. Using a photograph without the copyright owner's permission could result in an action being taken for copyright infringement. Images downloaded from the Internet are also subject to copyright.

Third Parties will generally be under the same obligations as our school to obtain parental consent to the use and distribution of photographs. CAA will therefore ask the third party to guarantee to us that all relevant consents have been given and that they are entitled to provide CAA with the image.

## Use of Images of children by the Press

There may be occasions where the press take photographs of pupils at CAA. The consent form attached (PC2) 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 full 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 CAA responsibility to parents and pupils, it is sensible to politely check that broadcasters and press photographers we may be chaperoning on CAA school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

## School Prospectus and other literature

Although most school literature is sent to a specific audience, CAA will avoid using personal details or full names of any child in a photograph. CAA will follow the DfE advice above.

## Videos

CAA must have parental consent before any child can appear in a video. Parents can make video recordings of nativity plays and other such events for their own personal and family use, as they are not covered by the Data Protection Act. Potential difficulties in this area will be avoided by CAA adopting the policy of taking an official video of the event and making copies available to parents.

## Websites

This is an area that gives particular concern to parents because of the potential misuse of images. With digital photography there is the remote possibility that images of children could be produced, manipulated, and circulated, without the parents or children's knowledge. The dual concern which follows such a risk is that children might be exploited, and a school might be criticised or face action. It is important to take care with identification, and to respect parental views on the use of any photography of children on a website.

## Webcams

The regulations for using webcams are similar to those for CCTV (closed-circuit television). This means that the area in which you are using the webcam must be well signposted and people must know that the webcam is there before they enter the area, in order to consent to being viewed in this way. Children should be consulted and adults need to consent as well as the parents of all the affected children.

In gaining consent, CAA will tell the person why the webcam is there, what we will use the images for, who might want to look at the pictures and what security measures are in place to protect access.

The DfE advice (July 2003) is that unless a webcam is a response to a specific threat or difficulty in relation to either crime or health and safety it may pose more difficulties for the school than it would actually resolve. If staff want to use a webcam, they must consult with the Head who will advise careful parental, staff, and legal consultation.

## Parental right to take photographs

Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not, therefore, stop parents from taking photographs or making video recordings at school events, such as nativity plays.

Parents are not permitted, however, 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 whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached. The consent form attached reminds parents of this fact.

The important thing is to be sure that people with no connection with CAA do not have any opportunity to film covertly. CAA staff will quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

## **The storage of photographs**

Photographs must be maintained securely for authorised school use only, and disposed of either by return to the child, parents, or shredding as appropriate.

## **Official School Photographs**

CAA will periodically invite an official photographer into school to take portraits/photographs of individual children and/or class groups. It is essential that when considering such an activity CAA undertake a risk assessment in terms of the validity of the photographer/agency involved and establishing what checks/vetting has been undertaken.

Procedures should 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.

Further information can be found on the Cumbria LCSB website.

## Parental Consent Form - Trips, Images and Pain Relief

<b>Name of Child:</b>		<b>Date of Birth:</b>	
<b>EDUCATIONAL VISITS</b>			
<p>This consent will last for the entire time that your child is with us at Cumbria Academy for Autism (CAA), but it is good practice for us to check your consent still applies when we offer residential or adventurous visits. When we tell you about them, we will ask for current information about your child e.g. updated medical needs, sleepwalking, swimming ability etc. and offer you the chance to withdraw your consent. You should also complete and return any slip provided then.</p> <p><b>Declaration</b></p> <p>I <b>*do / do not</b> consent to my child taking part in CAA trips and other activities that take place off-site <b>and</b> to them being given urgent medical or dental treatment or necessary pain relief during any trip or activity. <b>I understand that:</b></p> <ul style="list-style-type: none"> <li>• <b>All</b> trips and activities are covered by this consent and will include;             <ul style="list-style-type: none"> <li>○ all visits (including residential trips) which take place during the holidays or a weekend,</li> <li>○ adventure activities at any time <i>and</i></li> <li>○ off-site sporting fixtures outside the normal CAA day,</li> </ul> </li> <li>• CAA will provide me with information about each trip or activity before it takes place.</li> <li>• I can inform CAA that I <b>do not</b> want my child to take part in a particular trip/activity and I should do so in writing.</li> <li>• I <b>must</b> ensure that I and my child understand and agree to abide by any trip Code-of-Conduct.</li> <li>• I <b>must</b> keep CAA informed if any medical information I have provided becomes out-of-date or where religious beliefs may impact on any medical treatment my child may receive.</li> <li>• I <b>must</b> keep CAA informed if any emergency contact information I have provided becomes out-of-date or does not apply to a particular trip and I must provide alternatives as necessary.</li> <li>• All CAA activities are appropriately insured. I also understand the extent and limitations of this insurance (details available on request).</li> </ul>			
<p><b>Medical Information:</b> Details of any medical conditions including allergies and travel sickness that my child suffers from and any medicines with dosage etc. that they should take during off-site activities including those outside CAA hours or overnight – attach additional sheet if necessary.</p>			
<p><b>Using our website or a mobile app to stay in touch:</b> *please delete as applicable          To keep up to date with information about CAA, particularly activities, visits and fixtures:          I <b>*can / cannot</b> use the CAA website.          I <b>*can / cannot</b> use the CAA apps (e.g. etc.).</p>			
<b>EMERGENCIES</b>	<b>Emergency Contact 1</b>	<b>Emergency Contact 2</b>	



<b>Name:</b>			
<b>Relationship:</b>			
<b>Telephone Number(s):</b>	<b>Work:</b>		<b>Work:</b>
	<b>Home:</b>		<b>Home:</b>
	<b>Mobile:</b>		<b>Mobile:</b>

<b>USE OF YOUR CHILD'S IMAGE AND VOICE</b> *please delete as applicable
I <b>*do / do not</b> consent to image and voice recordings of my child being published in media used for official CAA purposes in line with CAA policy <i>which CAA directly controls</i> and which will <b>never be published online</b> by school e.g. the Christmas play DVD, the promotional montage video that plays on repeat in reception, a printed newsletter that will never be put on the school website.
I <b>*do / do not</b> consent to image and voice recordings of my child being published in media <i>which CAA directly controls</i> and which <b>will be published online</b> and therefore be available worldwide e.g. the prospectus, the CAA website, CAA Twitter feed, CAA Facebook page
I <b>*do / do not</b> consent to image and voice recordings of my child being published in media <i>which CAA does not directly control</i> i.e. outside organisations which school has carefully selected and which <b>will be published online</b> e.g. news media, other school websites publicising events that your child participated in etc.
<b>Declaration</b> I <b>understand</b> that any image or voice recordings I might make at CAA events must not be used inappropriately <b>and</b> that they cannot be shared publicly without suitable consent from everyone in them. I also understand that if these rules are not respected, governors reserve the right to stop everyone from recording CAA events.

<b>NECESSARY PAIN RELIEF (Paracetamol)</b>
We will not give your child any medicine, including necessary pain relief, <b>and</b> you give your express consent here.  I <b>*do / do not</b> consent to my child receiving necessary pain relief medicine (Paracetamol) in line with CAA policy and as per my instructions or those of a medical practitioner. I understand that if my child will require the regular administration of medicine at CAA, even for a limited time, I <b>must</b> complete another form with full details.

<b>Signed:</b>		<b>Date:</b>	
<b>Print Name:</b>		<b>Relationship to Child:</b>	