

Use of Photographic Images Policy

1. Introduction

- 1.1. The safety and well being of the students at UTC Swindon is the responsibility of the Principal, the staff, the Governing Body and the parents/carers of those children. The Principal has overriding responsibility for students in the College, both during school hours and any extra-curricular activity.
- 1.2. When deciding whether or not to allow photography and/or video recording in the college, The Principal has to consider many complex aspects of the law and child safety. Human Rights legislation and the Data Protection Act 1998 give people certain rights, and it is the right to 'privacy' that is the issue when using photographs or other images. The Copyright, Designs and Patent Act 1998 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise. Therefore, if a private company will own the copyright and can use the recording for their own purposes - e.g. as a publicity video.
- 1.3. The Information Commissioner's Office (ICO) has offered advice regarding the use of photographs and video recordings taken in school, and differentiates between PERSONAL and OFFICIAL use –

2. Parents/Carers/Guardians & Other Visitors taking Photographs and /or Video at School Events for Personal Use

- 2.1. As the Principal has this overriding responsibility to decide whether or not parents/carers/guardians, etc., should be permitted to take photographs and/or video recordings at school events such as shows and open evenings and sports fixtures.
- 2.2. It is not necessary for consent to be obtained from each parent/guardian/carer if 'personal photography' is permitted; as such images are exempt from the provisions of the Data Protection Act. Notwithstanding the fact that such photos/recordings are primarily for personal use, there will always be the risk that an opportunist will seek to use the images elsewhere than in a private album. The proliferation of Internet web pages and social networking sites has given rise to increased concerns that images will be misused and that a child's face or body could be used to represent matters wholly contrary to the wishes of the parents/carers/guardians of those students. Digital TV channels constantly seek footage and images for 'real life' shows and programs specialising in humorous video clips. Therefore, before the Principal can grant any permission for parents/carers/guardians to capture images, it is incumbent on him/her to obtain the agreement of those recording that the images will not be misused. This may be done by making it a condition of entry and placing a header on the

entry tickets or programmes for the event, and reinforcing it with public announcement before the event commences.

- 2.3. The effort expended attempting to obtain a restrictive agreement as to use of videos and photographs may be prohibitive. Even if the person capturing the image(s) undertakes to abide to such an agreement, enforcing the agreement after it has been breached will both be too late and impracticable: unless there has been a breach of the criminal law, it would be a matter for the College and/or affected parties to pursue it through a civil court. This may well prove to be both costly and stressful for those concerned. Persons capturing images must be made aware that misuse (i.e. for anything other than personal use) might constitute a breach of data protection legislation.
- 2.4. On each occasion it will be a matter for the Principal to consider whether or not photography and/or videoing by parents/carers/guardians will be permitted, but the presumption is that photography and videoing by parents/carers/guardians, etc., will not be permitted, unless otherwise specified. The Principal will ensure that parents/carers are informed of their decision for each event affected.
- 2.5. When personal photography and/or videoing is not permitted, the Principal may consider appointing an individual or organisation to photograph or video the event (subject to the provisions in section 3, below). However, there will often be cost implications, and it might not be practicable in all instances – e.g. there may be instances where the Principal is aware of a student(s) or children who are at particular risk, so it may be the case that even a professional should not be engaged to record or photograph an event. If the decision is made to engage an ‘official’ person, the permission of parents/carer/guardians will be required for each child concerned. An ‘official’ person may be engaged in addition to permitting private image capture.
- 2.6. If permission is given for private image capture, consideration should be given to setting aside a specific area from where the images may be captured so that it might be properly regulated. This might be a limited area at the back of the main hall (if an indoor event) or adjacent to a sporting activity. It may be necessary to limit the number of person allowed into the limited area at any one time due to health and safety considerations. The taking of images outside these areas should then be prohibited to prevent the intentional or accidental capture of images that might pose a risk to students i.e. taking pictures of partially clothes children in changing areas.
- 2.7. In cases where the ‘official’ person is appointed as in 2.5, and where a parent/carer/guardian of a particular student(s) informs the College that their child(ren) is/are not to be photographed/videoed, consideration may be given to not having the event captured on video, etc., or withdrawing that student from the performance, or alternate arrangements for such a child may be agreed between the Principal and Parent/Guardian as appropriate to the situation. However, such instances must be treated in confidence, and care must be taken not to embarrass and alienate the student(s) in question.
- 2.8. See **Appendix 3** regarding DBS checks and security issues surrounding official photographer/filmmakers, etc., and the storage of images (personal data) by them.

2.9. Photography in any form is strictly prohibited in or around toilets, changing rooms, or any room being used as a changing facility.

3. Procedure

Official Photography and Videoing at UTC Swindon for School Use

3.1. When taking a picture, UTC Swindon must –

- (a) Obtain the consent of the person in the picture or from their parent or carer.
- (b) Only use the photo or video in its intended context
- (c) Follow the commitment made by the College:
 - not to name the child
 - not to use the photograph out of context
 - not to use the photograph to illustrate sensitive or negative issues.

3.2. When photographing/videoing Students, the College must –

- (a) ensure that parents/carers/guardians of students have consented for general photography. **Any images going beyond the College need additional specific consent.**
- (b) ensure all children are appropriately dressed;
- (c) avoid images that only show a single student with no surrounding context of what they are learning or doing. Photographs of three or four students are more likely to also include their learning context;
- (d) not use images of a student who is considered very vulnerable, unless consent has been given.
- (e) avoid naming students. If one name is required then use the first name only where possible;
- (f) use photographs or videos that represent the diversity of the students participating;
- (g) report any concerns relating to any inappropriate or intrusive photography to the Principal;
- (h) remember the duty of care and challenge and inappropriate behaviour or language;
- (i) not use images that are likely to cause distress, upset or embarrassment, and
- (j) regularly review stored images and delete unwanted material, in accordance with the College Data Protection Policy.

3.3. Parental Permission

- 3.3.1. Use of the official images of students requires the consent of the parents/carers/guardians. The consent covers the use of images in publications and on the College website.
- 3.3.2. When a parent does not agree to their child being photographed, the Principal must inform staff and make every effort to comply sensitively.
- 3.3.3. When photographic images are transmitted or shared beyond the establishment e.g. television broadcasts, images on websites, specific permission should be obtained.

3.4. Inter-School Fixtures

Apply these guidelines to inter-school events. If a student from UTC Swindon for whom photographic consent has been declined is involved in one of these events, the Principal of the other school(s) must be informed and all efforts taken to ensure that that particular child is not

photographed or videoed. It will be a matter for the Organiser of the event to discuss any issues with the other school.

3.5. Teacher Training and Portfolios

During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of students during lessons. Staff should act responsibly in compiling these images. A member of the Senior Leadership Team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

3.6. Displays in the College

Still photographs shown on displays and video clips available during open/parents' evenings should depict students in an appropriate way. They should not display images of students in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained. Do not use photographs or images likely to cause embarrassment.

3.7. Accidental Photography

If a parent/carer/guardian has asked that a student not be photographed or videoed, all efforts must be made to ensure that the child is NOT photographed/videoed. However, if the student is inadvertently caught on camera, e.g. in the background, as a reflection, etc, all identifying features (including distinctive apparel) must be obscured beyond recognition before use. If that cannot be done, image(s) must be permanently deleted (or erased) and not used. In the case of traditional non-digital photography, that will include the destruction of the negative/transparencies, etc. any printed copies must also be destroyed.

3.8. Copyright Agreements

The Copyright, Designs and Patent Act 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise. Therefore, if a contracted outside body is engaged to photograph and/or video a College event, consideration must be given to reaching an agreement with that body that the copyright must remain with UTC Swindon. If such an agreement cannot be reached, the Principal must try to obtain an agreement that the body will not use the photographs or recorded material for anything other than the purpose for which it was made – e.g. to provide a record of the event for parents/carers/guardians, the students and staff. It will be essential for the purpose to be stated in any agreement. If no such agreement can be reached, the services of that body should not be used.

4. Students Photographing Each Other

4.1. This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in the College policy governing off-site visits. There may be incidents where students take inappropriate photographs, perhaps showing friends inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's use of cameras and subsequent use of their images involved.

4.2. There are occasions when, as part of a College activity on college premises, students may be involved in taking photography or video imagery of each other, such as for school newsletters, or English/drama activities. Staff must supervise such activities and maintain responsibility for monitoring students' use of the cameras. Only college equipment may be used for these purposes. The use of these images will be the responsibility of the staff and IT Manager.

5. Newspapers

The following scenarios can occur:

(a) Team photographs:

- When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have a child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The Principal should make every effort to ensure, in conjunction with the newspaper that this occurs.
- If parents of a student have indicated that the child is vulnerable and should not have a photograph printed then a team photograph may not be appropriate.

(b) Photo opportunities:

- When an establishment invites a newspaper to celebrate an event, the Principal should make every effort IN ADVANCE to ensure that the newspaper's requirements could be met.
- Except for large group photographs, many papers may prefer to publish the full names of anyone in a photograph they print. However newspaper's representatives that the full names must not be published. If no agreement can be reached, the session should not be permitted to take place.

6. Use of Internet/Internet Sites

The IT manager should ensure that the College only uses appropriate images that follow this guidance. For example, if a student has successfully completed a gymnastics award, it would be appropriate to show the student in a tracksuit rather than leotard.

7. Mobile Devices

Students are able to use mobile devices within lessons in the College when permission is given by the teacher. The device must not be used for photography or videoing purposes on College premises. Consideration should be given to enabling the child to safely deposit the device in their locker or at Reception in the morning and collect it when it is needed. **See Paragraph 4 - Students Photographing Each Other**

8. **Webcams**

- 8.1. The use of webcams might be deemed appropriate during ICT lessons - e.g. for video conferencing with another class or school. If it is decided that webcams are appropriate, the parents/guardians/carers of the students concerned must be informed of the reasons and use and prior consent must be obtained. If no consent is obtained, that student will not be able to participate. If it is considered that the student will miss out on a vitally important piece of the curriculum, steps should be taken to reassure the parents declining consent that the system is secure and that the images will not be misused.
- 8.2. It may be appropriate to use a webcam for pupils to observe small, safe areas etc., provided that no students will be captured as an image, there will be no concerns regarding consent.
- 8.3. For reasons of security, webcams should not be left to run when concentrated on a particular area of the College, as dishonest viewers might well be able to observe weak points in the security of the premises. Webcams do not ordinarily make for good security devices.

9. **CCTV**

CCTV cameras are a good deterrent to prevent crime. If devices are installed the advice of the local police crime prevention officer must be obtained and followed regarding the capture, retention and storage of images. These images will be subject to the provisions of data protection legislation: no specific consent is required, but prominent signs must be displayed to advise persons that they are in an area where cameras are or could be recording.

Linked Policies:

Safeguarding

Behaviour Policy

Code of Conduct

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