

Windsor Clive Primary School



Every Child – Every Chance – Every Day

Safe Use of Pupils' Images Policy

Date agreed: May 2025

Review date: May 2026

Windsor Clive Primary

Safe Use of Pupils' Images

Purpose

Increasingly, technology is making it easier to use pictures and images in news and media, printed materials or on websites. Along with this increased freedom, Windsor Clive Primary 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, wherever they come from, are properly safeguarded.

- Increasingly, technology is making it easier to use pictures and images in news and media, printed materials or on websites.
- Along with this increased freedom, Windsor Clive Primary 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.

Throughout the policy, photographs (both digital and film) and video are referred to as **'Images'**

The Legal Framework:

- The 1998 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.
 - Access must be given to stored images on request, and arrangements made for the destruction of out of date images.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.
- .The Policy makes constant reference to the Council document : *'Safe Use of Pupils' Images - Best Practice Guidance for Schools'*

LA Safeguarding Team:

If any further information is required the Safeguarding Team are available on 02920872772

Gaining Valid Consent – Children and anyone under 18 (See Sppendix 1)

- 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.
- 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.

If in any doubt, staff should contact the Cardiff Safeguarding Team

In Windsor Clive Primary, written and informed consent will be obtained from all parents/carers of pupils whose images they intend to publish anywhere. These may include:-

Printed publications - including external and internal publications e.g. school magazines, annual report, newsletters and community magazines;
School notice boards;

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**.

Media – including newspapers and TV: The use of photographs in newspapers is already subject to strict guidelines. Newspaper editors must adhere to the Press Complaints Commission Code of Practice. Several scenarios can occur such as team photographs and other photo opportunities.

Where schools merely allow access to a local newspaper photographer, they are not caught by the Data Protection Act unless they provide the personal details of the pupils in the photographs. If names are to be used the consent from the parents must be obtained

In the event that schools are considering permitting TV and Broadcasting companies to record or film children in school, consideration must be given to the legislation and Child Performance Regulations 1968. In the event of this taking place the Safeguarding Team should be contacted.

Websites - In relation to websites the following steps will be taken:

- Photos will not be be captioned with the childrens’ names;
- Personal details of children such as e-mail address, home address and telephone number will not be revealed on the website;
- Pupils will not be able to be contacted via the website.

- General shots of classroom will be of group activities rather than close-up pictures of individual children.

Consent of images during off site activities:

In the event of images being taken by external providers while out of School e.g. Sport Cardiff, Michaelston CC; unless consent has been given before hand, the school reserve the right to say no to any images being taken.

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.

It is the school's policy to ask the parents before the event not to film or take photographs of the children during the performance. Opportunities to take photographs of their child will be given at the end of the performance before the children return to class. Parents using any IT equipment e.g. mobile phones, cam-corders, cameras may be asked to stop and delete any images already taken.

Parental Consent Letters and Updating Information:

As part of the school induction process parents will be asked to complete a consent form. This will be issued to Nursery and Reception Parents on open days. This form is also included in the induction forms. It is the parents responsibility to update this information. Letters will be sent by the school to update information on annual basis in the Autumn Term.

Information indicating whether or not parental consent has been given will be kept in the school office and also available in the class registers.

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 photographer has an up to date DBS
- 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

Use of Mobile Phones

Most mobile phones now have intergrated cameras.This therefore highlights the fact that they can also be used to capture images of children in the school. The use of mobile phones by pupils is not prohibited in the Primary School. All Staff who have mobile phones, must agree to the "**Staff code of conduct for Acceptable Use of ICT.**" Images of children must not be captured on any personal device.

Retention Period

Computer images will be kept for no longer than the duration of a child's stay at the school. Photographs which may be selected to form the historical records of the school may be retained for an indefinite period of time.

Child Protection

Schools should ask for parental permission for images of a pupil to be used for any school, Local Authority or other publicity purposes. Headteachers should decide whether publication of a photograph might pose a risk to a child. For example, where parents have separated and the child is subject to a court order, a published image could help a former partner identify the family's new address.

Always ensure all pupils are appropriately dressed and positioned. Greater caution should be taken to use images of a pupil who is considered vulnerable, unless parents/carers have given specific written permission.

It is for this reason also that guidance is given to avoid using images and names together as set out on the previous page.

Related Policies/Documentation

Data Protection Act 1988

Safe Use of Pupil' Images – Best Practice Guidance for Schools

WCP Health and Safety Policy

Child Protection Policy

Staff Code of Conduct for Acceptable Use of ICT

Updated : May 2025

Review Date : May 2026

Signed : _____

Alex McInch (Chair of Governors)

Signed: _____

Kim Fisher (Headteacher)