



# MALVERN ST JAMES GIRLS' SCHOOL

## **Photographic Images of Children Policy**

This policy is the responsibility of the Director of Marketing & Admissions in collaboration with Director of Pastoral Care and the Designated Safeguarding Lead (DSL). It will be reviewed biennially.

### **Introduction**

At Malvern St James we are an open and inclusive community that is very proud of all of the achievements of all of our pupils in their academic, artistic, musical and sporting endeavours. The School celebrates its diversity and gives all of its many visitors a warm welcome.

We particularly welcome parents to our concerts, plays and sporting events, as well as to more formal occasions during the school year. In common with most schools, we use images in order to celebrate pupils' achievements, and recognise that increasing numbers of parents want to have a record of their daughter's success in all aspects of School life. At the same time, we appreciate that for some parents their family's privacy is a priority.

The School walls are decorated with examples of girls' work, team photographs and photographs of trips and expeditions. We make full use of electronic notice boards around the school which display current activities. The School's website is updated regularly and all parents are sent bi-termly e-bulletins in order to keep them fully abreast with the news of the MSJ community.

On occasions we may be visited by the media who may take photographs or film footage at a school event. Girls will often appear in these images which may then appear in local and national media.

### **Scope**

- This Policy is intended to provide information to pupils and their parents, carers or guardians (referred to in this policy as "parents") about how images of pupils are normally used by Malvern St James. It also covers the school's approach to the use of cameras and filming equipment at school events and on school premises by parents, pupils and the media.
- It applies in addition to the school's terms and conditions, and any other information the school may provide about a particular use of pupil images, including e.g. signage about the use of CCTV; and more general information about use of pupils' personal data, e.g. the school's Privacy Notice. Images of pupils in a safeguarding context are dealt with under the school's relevant safeguarding policies.

- This policy has been prepared with the introduction of the General Data Protection Regulation (GDPR) in mind.

## **Aim**

We aim to make full and proper use of photographic images while meeting the law and preserving the safety of children. Concerns focus on issues around rights of privacy, safeguarding children and copyright ownership. Parents are to be assured that any images of their daughter taken by or on behalf of the school are kept securely and their use carefully monitored.

## **1. School Council**

The School Council have formally adopted these guidelines as policy and good practice.

The Safeguarding Children and Health and Safety Governor is aware of and supports the policies and procedures.

## **2. General points to be aware of**

- Certain uses of images are necessary for the ordinary running of the school; other uses are in the legitimate interests of the school and its community. The school is entitled lawfully to process such images and take decisions about how to use them, subject to any reasonable objections raised.
- Parents who accept a place for their child at the school are invited to agree to the school using images of her as set out in this policy, by signing a permission form on entry and at key stage transition points. (see Appendix 1) However, parents should be aware of the fact that certain uses of their child's images may be necessary or unavoidable (for example if they are included incidentally in CCTV or a photograph).
- We hope parents will feel able to support the school in using pupil images to celebrate the achievements of pupils, sporting and academic; to promote the work of the school and for important administrative purposes such as identification and security.
- Parents should be aware that, from around the age of 12 and upwards, the law recognises pupils' own rights to have a say in how their personal information is used – including images.

## **3. Typical Instances and Uses of Photographs**

Unless the parent has requested otherwise, the school will use images of its pupils to keep the school community updated on the activities of the school, and for marketing and promotional purposes, including:

- on internal displays (including clips of moving images) on digital and conventional notice boards within the school premises;

- in communications with the school community (parents, pupils, staff, Governors and alumni) including by email, on the school intranet and by post;
- on the school's website and, where appropriate, via the school's social media channels, e.g. Twitter, Instagram and Facebook. Such images will not be accompanied by the pupil's full name without parental permission. In most circumstances, any pupil photograph will be accompanied only by their forename or their Year Group;
- in the school's prospectus, and in online, press and other external advertisements for the school. Such external advertising would not normally include pupil's names and in some circumstances the school will seek the parent or pupil's specific consent, depending on the nature of the image or the use; and
- As part of the secure on-line EYFS Learning Journal reporting system Tapestry<sup>1</sup>, used to inform parents of their daughter's progress in Pre-Prep.

The source of these images will predominantly be the school's staff (who are subject to policies and rules in how and when to take such images), or a professional photographer used for marketing and promotional purposes, or occasionally pupils. The school will only use images of pupils in suitable dress and the images will be stored securely and centrally.

#### **4. Use of Pupil Images for Identification and Security**

- All pupils are photographed on entering the school and, thereafter, at yearly intervals, for the purposes of internal identification. These photographs identify the pupil by name, year group, house and form/tutor group.
- CCTV is in use on school premises, and will sometimes capture images of pupils. Images captured on the School's CCTV system are used in accordance with the Privacy Notice.

#### **5. Use of Pupil Images in the Media**

- Where practicably possible, the school will always notify parents in advance when the media is expected to attend an event or school activity in which school pupils are participating, and will make every reasonable effort to ensure that any pupil whose parent or carer has refused permission for images of that pupil, or themselves, to be made in these circumstances are not photographed or filmed by the media, nor such images provided for media purposes.
- The media often asks for the names of the relevant pupils to go alongside the images, and these will be provided where parents have been informed about the media's visit and either parent or pupil has consented as appropriate.
- The School will always complain to the Press Complaints Council (PCC) if the media fails to follow the appropriate code of practice for the protection of young people.

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<sup>1</sup> [Weblink: Tapestry Online Learning Journal](#)

## 6. Ownership and Privacy

Ownership of the copyright of the images and footages is agreed to be retained by the provider. The provider's signature below gives Malvern St James permission to hold and use all images and footage taken for the above purposes

Human Rights legislation and the Data Protection Act 1998 have granted individuals certain rights in their privacy which can be affected by the use of photographs. The School Council and the School will continue to take steps to respect these rights.

## 7. Security of Pupil Images

- Professional photographers and the media are accompanied at all times by a member of staff when on school premises. The school uses only reputable professional photographers and makes every effort to ensure that any images of pupils are held by them securely, responsibly and in accordance with the school's instructions.
- The school takes appropriate technical and organisational security measures to ensure that images of pupils held by the school are kept securely on school systems, and protected from loss or misuse. The school will take reasonable steps to ensure that members of staff only have access to images of pupils held by the school where it is necessary for them to do so.
- All staff are given guidance on the school's Policy on Taking, Storing and Using Images of Pupils, and on the importance of ensuring that images of pupils are made and used responsibly, only for school purposes, and in accordance with school policies and the law.

## 8. Good Practice: Guidance for Staff

The following guidance provided to MSJ staff represent good practice in the use of photographic images involving children.

1. If using a photo from the media or commissioning a photograph, have a signed agreement (see Appendix 2).
2. Use the image in the context and for the purpose it was originally intended.
3. When photographing children:
  - a. Ensure all children are appropriately dressed.
  - b. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
  - c. Photographs of three or four children are more likely to also include their learning context.
  - d. Do not use images of a child who is considered very vulnerable, unless parents / guardians have given specific written permission.
  - e. Ensure permission has been obtained before naming young people.

- f. Report any concerns relating to any inappropriate or intrusive photography to the Headmistress or Designated Safeguarding Lead (DSL).
  - g. Remember the duty of care and challenge any inappropriate behaviour or language.
  - h. Do not use images that are likely to cause distress, upset or embarrassment.
  - i. Refer to the Mobile Phone and Digital Devices policy for guidance on using such devices.
4. Regularly review stored images and archive any unwanted or unnecessary material.

## **9. Use of Cameras and Recording Equipment by Parents and Guardians**

The School asks parents not to take photographs of, nor to film other pupils on their own without the prior agreement of that child's parents on School premises. Opportunities will be provided after some School events for parents to take photographs of their own child. The School may also arrange for an event to be filmed and circulated to relevant families accordingly.

The School also asks parents not to take photographs nor to film their child or her fellow pupils in the swimming pool, changing rooms or backstage during school productions, nor in any other circumstances in which photography or filming may embarrass or upset pupils. Parents are reminded that such images are for personal use only. Images which may, expressly or not, identify other pupils should not be made accessible to others via the internet (for example on Facebook), or published in any other way.

Parents are also reminded that copyright issues may prevent the School from permitting the filming or recording of some plays and concerts.

The school reserves the right to refuse or withdraw permission to film or take photographs (at a specific event or more generally), from any parent who does not follow these guidelines, or is otherwise reasonably felt to be making inappropriate images.

The school sometimes records plays and concerts (or engages a professional photographer or film company to do so), in which case CD, DVD or digital copies may be made available to parents for purchase.

## **10. Inter-School Fixtures**

Staff and parents should apply these guidelines to inter-School events. Where a child has not got permission granted to take their photograph, it will be necessary to liaise with a member of staff from the other establishment so that they are aware of the wishes of the parents or guardian of the child and seek the cooperation of the parents of the opposing team.

## **11. Children Photographing Each Other**

All pupils are encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of the pastoral staff.

This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in the Offsite Activities Guidelines available from the Director of Pastoral Care. There may be incidents where children take inappropriate photographs, perhaps showing friends and other children 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 (see also section 15).

The misuse of images, cameras or filming equipment in a way that breaches this Policy, or the school's Anti-Bullying Policy, Data Protection Policy for Pupils, eSafety Policy, IT Acceptable Use Policy for Pupils, Digital Devices Policy, Safeguarding Policy or the Code of Conduct is always taken seriously, and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.

## **12. Mobile Phones**

For guidance on the use of mobile phones, please see our Digital Devices Policy and Acceptable Use Policy.

## **13. Treating others with Respect**

Everyone has a right to feel secure and to be treated with respect, particularly the vulnerable. Harassment and bullying, including by use of cameras or images, will not be tolerated. The school's anti-bullying policy is set out on the website The School is strongly committed to promoting equal opportunities for all regardless of race, gender, gender orientation or physical disability.

All pupils are encouraged to look after each other and to report any concerns about the misuse of technology or a worrying issue to the Director of Teaching and Learning or the Director of Pastoral Care. Photography can potentially be used in a manner that may offend or cause upset. The misuse of cameras in a way that breaches our anti-bullying policy is always taken seriously and may be the subject of disciplinary procedures.

The content of these guidelines will be reviewed annually.

## **Appendices**

- 1 Agreement with Photographers.
- 2 Extract from Terms and Conditions Document
- 3 Photographic permission form

## **Related Policies:**

Safeguarding (including Child Protection) Policy  
Acceptable Use Policy  
New Staff Induction Policy  
Data Protection Policy  
Staff Behaviour Code of Conduct Policy

Parent Terms and Conditions  
Digital Devices Policy

**Appendix 1**

**Photographer Agreement Form**

Malvern St James is commissioning agreed photographic / video work with the provider [name of provider].

**Commissioned work**

The commissioned image or footage will be used by Malvern St James for its own publications or website and may be supplied to third parties and media for use in the promotion and marketing of the School with our permission.

Ownership of the copyright of the images and footages is agreed to be retained by the provider. The provider’s signature below gives Malvern St James permission to hold and use all images and footage taken for the above purposes.

Name.....

Signature.....

Date.....

## Appendix 2

We will need to use information relating to your child, and to you, for certain purposes connected with the running of the School. This will include but not be limited to name, contact details, school records, photographs and video recordings, both whilst your child is at the School and after he or she has left, for the purposes of:

- (i) managing relationships between the School and current pupils/parents and fulfilling our obligations under the contract with you;
- (ii) promoting the School to prospective pupils/parents;
- (iii) publicising the School's activities;
- (iv) communicating with the school community and the body of former pupils, and
- (v) fulfilling our statutory obligations (such as Keeping Children Safe in Education etc.).

In respect of (ii), (iii) and (iv), this includes use of such information by the School in/on the School's prospectus (in whatever format or medium it is produced/made available), the School's website(s) and (where appropriate) the School's social media channels.



## Photo Permission Form

Occasionally, we may take photographs of the children at our school. To comply with the Data Protection Act 2018, we need your permission before we can photograph or make any recordings of your child. Please review the Photographic Images of Children policy and complete the permission below.

[Photograph Images of Children Policy](#)

I give permission for my child to be photographed and recorded for school purposes for the duration of her time at MSJ. \*

Yes  No

Daughter's Surname \*

Daughter's First name \*

Person completing the form \*

Relationship to student \*

Email \*

<b>Authorised by</b>	Resolution of the School Council
<b>Signature</b>	
<b>Date</b>	February 2019

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