

**Procedure Title -** Photographing (including the use of photographs) and videoing of children and young people in educational establishments

<b>Management Information</b>	
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<b>Lead Service Area</b>	Planning and Performance
<b>Date Agreed</b>	14 March 2013
<b>Last Review Date</b>	Not Applicable
<b>Next Review Date</b>	14 March 2014
<b>Agreed by</b>	Senior Management Team
<b>Has <a href="#">Screening for Equality Impact</a> been undertaken for this procedure</b>	Yes/No: Yes <i>(please specify)</i> Date 14 March 2013
<b>Has <a href="#">Implementation and Monitoring</a> been considered for this procedure</b>	Yes/No: No <i>(please specify)</i> Date
<b>If appropriate has Health and Safety section had oversight of this procedure</b>	Yes/No: No <i>(please specify)</i> Date
<b>Name of Health and Safety contact</b>	

**Definition: Procedure – An agreed method or approach to comply with Policy, Legislation and Departmental Decisions.**

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**1. PURPOSE**

Photographs and video for school and family use are a source of innocent pleasure and pride, which can enhance the self-esteem of children and young people and their families. There are many situations, which may involve the taking of photographs or the making of video recordings of children/young people. The use of photographic images is an excellent opportunity to promote the diversity of Edinburgh's children and families.

In some cases, a conflict may arise between the requirements of the school to take photographs and make recordings as part of the discharge of educational responsibilities, and the concern of a parent/carer to protect his or her child's privacy and/or safety. In addition, particularly in relation to school activities such as concerts, dramatic performances, sporting and community events, there will be parents who regard an entitlement to take photographs of their children participating in such events as a legitimate exercise of their right to freedom of expression.

However, we must always be mindful of the need to protect the welfare of children in our schools, and issues of child protection, data protection and parental consent will be given careful thought. Images may be used to harm children, for example as a preliminary to 'grooming' or by inappropriate display on the Internet.

**2. SCOPE**

This procedure applies to all educational establishments, including early years and community based education within Children and Families.

Where another body provides services or activities separately, using the school premises, the Head of Establishment will ensure that the body concerned has appropriate policies and procedures in place in regard to protecting children.

This procedure outlines the principles to be followed in managing issues, which relate to the photographing or videoing (including digital capture of images) of children/young people in schools and educational establishments. Inevitably, this procedure will not cover every situation that may arise. The Head of Establishment should use discretion, judgement and common sense in applying this procedure in particular situations. If need be, they can seek advice, as appropriate, from their Senior Manager, Communications Officer, or Head of Service.

Parents/carers are not required to comply with the Data Protection Act 1998 when taking photographs of their children for their own private use at an organised event. Parents should not be stopped taking photographs for their own private use because of concerns of contravening the Data Protection Act 1998.

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Authorised by: [Children & Families SMT]

Original Issue: [n/a]

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Current Version: [14 March 13]

Review Date: [14 March 14]

Page 2 of 9

---

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### **3. DEFINITIONS**

#### **Parent/Carer**

For consent purposes for this procedure, the party whom the school or educational establishment regards as the day to day contact with parental responsibilities in respect of the pupil is to be regarded as the parent/carers (up to the age of 18).

#### **Photograph / Videoing**

This procedure will apply to all forms of publications: print, film, video, DVD, on websites including social media and in the professional media.

### **4. ACTIONS**

#### **Circumstances involving Photographing and Videoing**

##### **School Excursions**

Photography by staff on school trips and visits may be used in the curriculum and displayed within the school or at parents' evenings to illustrate the work of the school or pupil.

##### **Concerts/Plays/Prize Giving/Sports Days**

If photography is permitted, parents and guests should take care to avoid distracting pupils and the audience. They should observe any constraints imposed by school staff. Video or sound recording of a copyright musical or theatrical performance is normally forbidden and photography may also be restricted for reasons of child protection or out of respect for the rights and privacy of individuals. If so, photography opportunities will, instead, be arranged before or after a performance or an event, if possible. Alternatively, where a parent has objected to their child being photographed or videoed, the Head of Establishment will endeavour to include the pupil, e.g. in a behind the scenes role.

Some of these activities will take place in public places where the local authority and school have no general power to prevent persons from taking photographs or making video recordings. However, where staff are concerned that there may be a risk to the safety of children, they should take appropriate action, i.e. contact the police.

If parents are unsure whether or not permission has been given by staff to record a particular performance or event, parents should ask the Head of Establishment.

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### **School Photographer**

Class and individual or group photographs are annual school events. Parents are asked in advance whether they wish their children to be included in these events. Reputable commercial photographers are involved and the law allows them to retain the copyright to the photographs.

### **Use of images**

#### **Equipment**

Images should only be captured on school equipment; the personal equipment of staff **should not be used** for taking photographs or videoing of pupils. This includes the use of recording on personal mobile telephones.

#### **Storage of Photographs of Videos**

If a photograph or video is likely to be used again, it will be stored securely and only accessed by those people authorised to do so. We will not re-use photographs or videos more than two years old for any new purpose.

When photos are destroyed, the negatives will be destroyed as well; where the image is kept electronically (e.g. CD) the disk will be made unusable.

#### **Website or Internet Publication**

Parents/staff/pupils must not take, use, share, publish or distribute images of others without their permission. Photographs that include pupils published on the website, or elsewhere will be selected carefully and will comply with good practice guidance (see Electronic/Internet Safety) on the use of such images. Pupils' full names will not be used anywhere on a website or blog, particularly in association with photographs (see also 'tagging' below).

Permission from parents or carers will be obtained before photographs of pupils are published on the school website by using the [Parental Consent to the Videoing and Photographing \(including Digital Photographing\) of Children and Young People in Educational Establishments](#) form at the start of the year.

Those who have a responsibility for children are reminded that any image posted on a school website or any other online network open to the public is available worldwide and its use cannot be controlled.

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Authorised by: [Children & Families SMT]

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Review Date: [14 March 14]

Page 4 of 9

---

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### **Electronic / Internet Safety**

The development of digital imaging technologies has created significant benefits to learning, allowing staff and pupils instant use of images they have recorded themselves or downloaded from the internet. However, staff and pupils need to be aware of the risks associated with sharing images and with posting digital images on the internet. Those images may remain available on the internet forever and may cause harm or embarrassment to individuals in the short or longer term.

Staff should refrain from ‘tagging’ when posting photographs of any person online. Tagging is a way of assigning information to a photograph or person within the photograph. These photographs can be easily lifted from a website or a posting on a website and used elsewhere for the purpose of abuse, such as the creation of a fake profile on social networking sites or used in instances of cyber bullying.

### **Learning and Teaching Purposes**

An education authority’s functions extend to the provision of appropriate learning and teaching activities, and photographs and videos of pupils may contribute to staff development and the training of teachers and other staff in the school. Staff are allowed to take digital / video images to support educational aims, but must follow school procedure concerning the sharing, distribution and publication of those images. Such material will be kept securely and retained for no longer than required. Where there is an intention to use material out-with the educational establishment, parents’ permission will be sought.

### **Requests from the Media**

From time to time, the media may be interested in particular schools or educational establishments and against that background may seek to take photographs and/or obtain video recordings. If a request is made direct to the Head of Establishment, they should:

- discuss the request with the Council’s Communications service
- take into account all the circumstances considered appropriate, e.g. there is no child or young person who would be at risk of harm if identified
- where time allows, parents should be advised of the nature and purpose of the media activity.

All reasonable steps must be taken to respect the views of parents/carers, and of young people who do not wish to be videoed or photographed.

If there are concerns about a journalist or the media regarding the taking of photographs or video, the Head of Establishment should contact the Communications service immediately for advice.

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Page 5 of 9

---

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The media operate under their own Code of practice. Photographs taken by the media are usually exempt from the Data Protection Act 1998.

### **Research Purposes**

Any researcher whose research involves the videoing or photography of children will be required to follow this procedure.

### **Closed Circuit Television (CCTV where installed)**

Our CCTV will be operated in accordance with the principles of data protection. Further information can be found on the [Information Commissioner's website](#)

### **Permission to Others to take Photographs or Videos**

The school/educational establishment will decide whether the event is one at which photography and videoing are permitted. When informing parents of the event, parents will be informed of the schools decision.

If general shots are to take place, such as at a school fete, visitors will be warned in the invitation, so that general consent is implied by attendance.

Only images of children suitably dressed will be permitted. This is in order to reduce the risk of images being used inappropriately. Special consideration will be given to photographs taken during PE (sports/health and wellbeing day) and swimming.

Those parents and carers in the school assisting children to dress or change will not be allowed to take photos or videos during this time.

### **Guidance for Parents**

Written guidance will be given to parents/carers to the effect that any images must be taken for personal use only. The guidance will specify that images that include other children must not be put on the web/internet, and that if they do this may contravene Data Protection legislation.

A copy of the guidance [‘Use your camera and video courteously’](#) will be given to all parents/carers.

Parents/carers will be prompted with a verbal announcement at the start of the event that any images must be taken for personal use only. They will be reminded that such images must not be sold or be put on the web/internet otherwise Data Protection legislation is likely to be contravened.

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Review Date: [14 March 14]

Page 6 of 9

---

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People with no connection to the school will not be allowed to photograph or video events. Staff will question anyone they do not recognise who is using a camera and or video recorder at events and productions to ensure children's safety.

### Guidance for Pupils

Written guidance highlighting the use of camera and video functions of a mobile phone ['Use your camera and video courteously' - A guide for pupils and students on taking photographs or videos](#) is available to give to pupils. This can be used as a standalone document or within an existing school mobile phone policy.

### The use of Consent Forms

It is understood that establishments utilise permission forms prior to various activities and events. Consent can be obtained for photographing/videoing through the use of established methods by incorporating question(s) into these. However, where practical, establishments should gain consent at the beginning of the school year by distributing a formal consent form, such as [Parental Consent to the Videoing and Photographing \(including Digital Photographing\) of Children and Young People in Educational Establishments](#). Consideration should be given to verbally introducing consent forms where there may be a cultural difference as this type of consent may not be sought in other authorities or countries. This is often best done via telephone or at time of enrolment face-to-face and would also assist parents or carers who are not fluent readers.

### Objections by Parents/Carers or Pupils

Parents/carers will be offered the opportunity to express their wish to object to the photographing and videoing of certain activities in school, such as photographing or videoing:

- (a) by the media and/or external organisations
- (b) of activities such as concerts, dramatic performances and similar events
- (c) for publication on school website or other online publication
- (d) for the purposes of staff development and training for use out with the school and
- (e) for research purposes.

A parent/carer may advance cogent reasons for withholding consent. These might be based on concern that the dissemination of images or videos could be detrimental to the welfare, safety and well-being of their child or family. For example, the dissemination of such images might disclose the attendance of a pupil at a particular school and place the child's welfare in jeopardy.

All indications by parents that they wish to object to photographing/videoing will be considered, having regard to the individual circumstances of each case. In general,

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such requests will be granted. In exceptional circumstances, the Head of Establishment may decline to give effect to a parent's objection, after seeking advice based on the child's best interests. In the absence of any expressed objection parental agreement will be assumed.

The Head of Establishment should make every effort to grant any reasonable objection by a pupil to photographing /videoing. The decision should be made based on the best interests of the pupil. To avoid disruption to the activity, it is important to make clear to pupils at an early stage of preparation for the event that some photographing or videoing may take place.

## **5. RESPONSIBILITIES**

It is the responsibility of the Head of Establishment to ensure procedure compliance by their staff and volunteers. It is also the responsibility of the Head of Establishment to make this procedure available to parents and carers in accessible formats such as where English is an additional language or by telephone or in large print.

## **6. POLICY BASE**

City of Edinburgh Council [Code of Conduct on the Use of Electronic Communications 2002](#)

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Current Version: [14 March 13]

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Page 8 of 9



---

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**7. ASSOCIATED DOCUMENTS**

[Policy on the Use of Mobile Phones and Other Digital Devices in Schools and Other Educational Establishments 2008](#)

[Parental Consent to the Videoing and Photographing \(including Digital Photographing\) of Children and Young People in Educational Establishments form](#)

['Use your camera and video courteously' - A guide for pupils and students on taking photographs or videos](#)

[Parent/Carers guidance - 'Use your camera and video courteously](#)

**8. RECORD KEEPING**

<b>Record Title</b>	<b>Location</b>	<b>Responsible Officer</b>	<b>Minimum Retention Period</b>
Parental Consent to the Videoing and Photographing (including Digital Photographing) of Children and Young People in Educational Establishments Form Agreed 2013.	Establishment Record	Head Teacher	1 Year
Guidance - Children and Families Use Your Camera and Video Courteously – Photographs and Video – Agreed 2013.	Establishment Record	Head Teacher	No Retention Period
Guidance - 'Use your camera and video courteously' - A guide for pupils and students on taking photographs or videos – Agreed 2013.	Establishment Record	Head Teacher	No Retention Period

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Page 9 of 9