



Peafield Lane Academy Policies

Use of Photographic and Video Images

Date	Review Date	Designated Teacher	Nominated Governor
January 2021	January 2023	Tom Daniel	Colin Sawers

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Children Act 1989
- Education Act 1996
- Data Protection Act 2018
- Human Rights Act 1998
- Education Act 2002
- Children Act 2004
- Safeguarding Children: Working Together Under the Children Act 2004 (2006) (Wales)
- Safeguarding Vulnerable Groups Act 2006
- Education and Inspections Act 2006
- Children and Young Persons Act 2008
- Equality Act 2010
- Protection of Freedoms Act 2012
- Special Educational Needs and Disability (Detained Persons) Regulations 2015

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Special Educational Needs and Disability Code of Practice: 0 to 25 Years. Statutory Guidance for Organisations Who Work With and Support Children and Young People with Special Educational Needs and Disabilities (DfE) and (DoH)
- Dealing with Allegations of Abuse against Teachers and other Staff: Guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)
- Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office

We believe this policy should be viewed in **conjunction** with the School Safeguarding Policy.

We are aware that 'Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.' (Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE 2019))

We are aware that the General Data Protection Regulations (GDPR) will entirely replace the current Data Protection Act (DPA) by making radical changes to many existing data



Peafield Lane Academy Policies

protection rules and regulations that schools, academies and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We acknowledge the new guidance given to all schools in the 'Data protection: a toolkit for schools' (DfE April 2018) regarding the appropriate use of photography:

'Photographs are used in school for many different reasons. The different uses should be considered separately and potentially have different conditions for processing. For example:

- Photographs used in identity management may be essential for performing the public task of the school, but should be deleted once a child is no longer in that setting, as it is no longer needed for the purpose for which it was held.
- Photographs in the school environment relative to providing education may fall under the public task purposes, but after the child has left the school this argument becomes weak and may not be lawful; permission to retain beyond their time in school (if required) should be sought. For example, if the child is in displays showing a scientific experiment being done that you wish to retain as a learning resource for future years.
- Photographs used in promotion/marketing type material should seek specific informed consent, and only be used in line with the consent provided. '
(p.20 'Data protection: a toolkit for schools')

We have in place procedures to delete photographic images of pupils once they have left the school. However, we will seek their permission if we wish to retain their photographic image(s) beyond their time in school.

We seek the permission of pupils and their parents before photographic images are taken for:

- official school use
- any local publication
- the school prospectus
- the school website
- Internal displays in school
- The school Twitter account

We will always notify parents when the school has given permission for an official press photographer to take photographs during a school event which will then appear in the local press or in some other publication.

We believe there is no law preventing parents from taking photographs of their children at school events as photographs taken purely for personal use are exempt from the Data Protection Act 1998.

We believe this policy complies with current legislation and allows parents/carers to capture those precious moments when their children are taking part in school events.



Peafield Lane Academy Policies

We will ensure that photographs taken in school or off-site by school personnel of pupils working or taking part in school events will only be taken by using a school camera. Under no circumstance will a member of the school personnel use their mobile phone to photograph pupils or to send the image to parents.

We believe we have a duty to prevent the unauthorised taking and publication of images of school personnel.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To have in place a safeguarding and child protection policy and related policies that outline clear procedures to ensure that we meet our responsibilities for safeguarding and promoting the welfare of all children.
- To provide a common sense approach to the taking of photographic and video images of children during school events.
- To have in place health and safety control measures.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body:

- has delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;



Peafield Lane Academy Policies

- will decide the conditions that apply to the taking of photographs at all school events in order that children are kept safe and that the performance is not disrupted and children and staff are not distracted;
- has a duty to prevent unauthorised taking and publication of images of school personnel;
- will protect the rights of school personnel by:
 - banning the use of mobile photographic phones by pupils in school;
 - where a parent takes a photograph of a member of the school personnel without that person's permission then we will request that the image is destroyed;
 - obtaining their permission to use their photographic image on the school website or in a school publication
- has responsibility for ensuring that the school complies with all equalities legislation;
- has nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- has responsibility for ensuring funding is in place to support this policy;
- has responsibility for ensuring this policy and all policies are maintained and updated regularly;
- make effective use of relevant research and information to improve this policy;
- has responsibility for ensuring all policies are made available to parents;
- has the responsibility of involving the School Council in:
 - determining this policy with the Governing Body;
 - discussing improvements to this policy during the school year;
 - organising surveys to gauge the thoughts of all pupils;
 - reviewing the effectiveness of this policy with the Governing Body
- has nominated a link governor to:
 - visit the school regularly;
 - work closely with the Headteacher;
 - ensure this policy and other linked policies are up to date;
 - ensure that everyone connected with the school is aware of this policy;
 - attend training related to this policy;
 - report to the Governing Body every term;
 - annually report to the Governing Body on the success and development of this policy
- has responsibility for the effective implementation, monitoring and evaluation of this policy

Role of the Headteacher

The Headteacher will:

- work in conjunction with the Senior Leadership Team to ensure all school personnel, pupils and parents are aware of and comply with this policy;
- ensure risk assessments are:



Peafield Lane Academy Policies

- in place and cover all aspects of this policy;
 - accurate and suitable;
 - reviewed annually;
 - easily available for all school personnel
- have in place the following health and safety control measures:
 - School policy published on school website and in school handbook.
 - Parents/visitors reminded of policy at the beginning of all school events.
 - Parents sign consent forms to allow their children to appear in school publications or on the school website.
 - School decides the conditions that apply to the taking of photographs at all school events in order to safeguard pupils and that the event is not disrupted.
 - The rights of all children are protected.
 - Parents informed when permission has been given for an official press photographer to take photographs at school events.
 - Parents are prevented from taking photographic images of school personnel on their mobile phones or with any other photographic equipment.
 - All unauthorised images are destroyed.
 - Pupils are prevented from taking photographic images of school personnel on their mobile phones.
 - The rights of school personnel protected at all times.
 - Permission obtained from school personnel to use their photographic images on the school website or in school publications.
 - Photographs taken for official use are stored electronically with other personal data and in line with current data protection guidelines.
 - Monitoring and review procedures in place to ensure safe procedures continue.
 - protect the rights of all children in the school;
 - protect the rights of school personnel;
 - organise a series of safeguarding and child protection workshops to ensure parents are aware of:
 - Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges
 - Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children
 - the Safeguarding and Child Protection policy
 - safeguarding procedures in place;
 - all safeguarding policies;
 - their role in safeguarding and child protection
 - work closely with the link governor;
 - provide leadership and vision in respect of equality;
 - make effective use of relevant research and information to improve this policy;
 - provide guidance, support and training to all staff;
 - monitor the effectiveness of this policy by speaking with pupils, school personnel, parents and governors;
 - annually report to the Governing Body on the success and development of this policy.



Peafield Lane Academy Policies

Role of School Personnel

School personnel will:

- be aware that the Governing Body acknowledges that:
 - school personnel have the right not to have their photograph taken without their express consent;
 - under Article 8 of the Convention – Human Rights Act 1998 that individuals have the ‘right to respect for private and family life.’ This right is infringed where images of employees are taken without their consent, and especially where these images are manipulated or published without their consent
- not photograph pupils using their mobile phone;
- comply with all aspects of this policy;
- inform the Headteacher if photographic images have been taken of them without their consent;
- under no circumstance use their mobile phone to photograph pupils or to send the image to parents;
- be aware of all other linked policies;
- maintain high standards of ethics and behaviour within and outside school and not to undermine fundamental British values;
- work in partnership parents and carers keeping them up to date with their child's progress and behaviour at school;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community.

Role of the Data Protection Officer

The Data Protection Officer will:

- have expert knowledge of data protection law and practices;
- inform the school and school personnel about their obligations to comply with the GDPR and other data protection laws;
- ensure data management is strengthened and unified;
- monitor compliance with the GDPR and other data protection laws;
- manage internal data protection activities;
- ensure risk and impact assessments are conducted in accordance with ICO guidance;
- report data breaches within 72 hours;
- ensure individuals have greater control over their personal data;
- ensure that prior to the processing of an individual's data that:
 - the process is in line with ICO guidance;
 - the process is transparent;
 - the individual will be notified;



Peafield Lane Academy Policies

- the notification is written in a form that is understandable to children;
 - when sharing an individual's data to a third party outside of school that details for the sharing are clearly defined within the notifications
-
- share an individual's data where it is a legal requirement to provide such information;
 - process all written subject access requests from individuals within 40 days of receiving them;
 - have in place a formal contract or service level agreement with a chosen data processor who is GDPR compliant;
 - ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance;
 - train school personnel;
 - conduct audits;
 - be the first point of contact for supervisory authorities and for individuals whose data is processed;
 - keep up to date documentation of all data protection activities;
 - work closely with the Headteacher and nominated governor;
 - periodically report to the Headteacher and to the Governing Body;
 - annually report to the Governing Body on the success and development of this policy.

Role of Pupils

Pupils will:

- be aware of and comply with this policy;
- not take photographs of any member of the school personnel without their consent;
- not post photographic images of any member of the school personnel without their consent on social media;
- listen carefully to all instructions given by the teacher;
- ask for further help if they do not understand;
- treat others, their work and equipment with respect;
- support the school Code of Conduct and guidance necessary to ensure the smooth running of the school;
- liaise with the school council;
- take part in questionnaires and surveys.

Role of Parents

Parents/carers will:

- be aware of and comply with this policy;
- be asked to complete the consent form so that images of their children may be used:
 - in the school prospectus;
 - on the school website;
 - in the media;
 - appear in any printed educational publication;
 - on displays inside the school



Peafield Lane Academy Policies

- on the school Twitter account
- not take photographic images of children when they are changing for any school event;
- not take photographs of any member of the school personnel without their consent;
- not post photographic images of any member of the school personnel without their consent on social media;
- be invited to attend a series of safeguarding and child protection workshops to ensure parents are aware of:
 - Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges
 - Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children
 - the Safeguarding and Child Protection policy
 - safeguarding procedures in place;
 - all safeguarding policies;
 - their role safeguarding and child protection
- be asked to take part periodic surveys conducted by the school;
- support the school Code of Conduct and guidance necessary to ensure smooth running of the school.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- School Handbook/Prospectus;
- School website;
- Staff Handbook;
- Meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops;
- School events;
- Meetings with school personnel;
- Written communications with home such as weekly newsletters and of end of half term newsletters;
- Annual report to parents;
- Headteacher reports to the Governing Body;
- Information displays in the main school entrance;
- Text messages
- Email
- Twitter

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
 - All aspects of this policy
 - Safeguarding and Child Protection
 - School Security
 - Equal opportunities



Peafield Lane Academy Policies

Visitors and Contractors

Inclusion

- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

Safeguarding

We are committed to safeguarding and promoting the welfare of all children as the safety and protection of children is of paramount importance to everyone in this school. We work hard to create a culture of vigilance and at all times we will ensure what is best in the interests of all children.

We believe that all children have the right to be safe in our society. We recognise that we have a duty to ensure arrangements are in place for safeguarding and promoting the welfare of children by creating a positive school atmosphere through our teaching and learning, pastoral support and care for both pupils and school personnel, training for school personnel and with working with parents. We teach all our children about safeguarding.

We work hard to ensure that everyone keeps careful watch throughout the school and in everything we do for possible dangers or difficulties. We want all children to feel safe at all times. We want to hear their views of how we can improve all aspects of safeguarding and from the evidence gained we put into place all necessary improvements.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Race Disparity Audit

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.



Peafield Lane Academy Policies

Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.