



Midsomer Norton Schools Partnership

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Photographs of Pupils Policy

The Midsomer Norton Schools Partnership (MAT) is obliged to comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 when it takes or publishes photographs of its pupils. The MAT will always try to act in the best interest of the pupils and, as far as it legally can, it will take parental preferences into account.

Data Protection Legislation gives pupils rights over their own data when they are considered to have adequate capacity to understand. Most pupils will reach this level of understanding at around age 12. For this reason, for most pupils in a secondary school, it will normally be up to the individual pupil to decide whether or not to be photographed. Where the school considers that the pupil does not have the capacity to make such a decision the school will act as it considers to be in the best interests of the pupil and in doing so will take account of any stated parental preference.

The MAT is mindful of the need to safeguard the welfare of pupils in the schools, and issues of child protection, data protection and parental consent will be given careful thought. For the purpose of this policy, the word 'Pupil' is used to refer to any student at any key stage within any of the school phases within the MAT. It may be appropriate to read the word Student in place of the word Pupil when referring to those who are in KS4 and KS5.

If the legal guardians of a pupil wish to express a preference for the school to avoid taking or publishing photographs of their children in certain circumstances, then please indicate your preferences using the form at the end of this policy. If no preference is expressed then we will act in accordance with the principles expressed in this policy.

This policy has been developed to:

- Ensure that photographs are only used for the purpose intended
- Ensure that the school use of photographs is facilitated
- Ensure that personal family photography is allowed where possible
- Ensure that individual rights are respected and Child Protection is ensured
- Ensure that parents and pupils (where they are deemed to have adequate capacity to understand) are given the opportunity to opt in
- Ensure that photographs of students that are used as evidence for exam courses, eg Sport, are facilitated

This policy covers (but is not limited to):

1. Images taken by professional photographers
2. Images taken by staff for school internal use
3. Images for media use:
4. Images at school events
5. Images taken by pupils photographing one another
6. Images taken to support examination courses

1 Images taken by professional photographers

Individual schools within the MAT may use a reputable commercial photographer once a year to take portrait photographs which are used within the School's MIS system, and to take tutor group photographs. These are used within the school for identification purposes and also be included on any reports and data sheets used internally in the school. These photographs may also be sold to the parents.

- Parents/guardians should be aware that, when class or group photographs are taken by a commercial agency, the photographer retains copyright on all original images.
- Parents will be given contact details of the agency used so that they can decide to purchase the photographs or not.
- Photographers will not have unsupervised access to pupils and young people whilst taking the photographs.

2 Images taken by staff for internal use:

Working with pupils may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well-being of students.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image(s) being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet.

Staff need to remain sensitive to any pupils who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

- Photographs are 'personal data' as far as Data Protection Legislation is concerned and must be used responsibly. The duration of their retention is governed by the MAT Data Retention Policy.
- Photography by staff in school, during school activities, 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. These images will usually be unnamed.
- When a photograph is being taken, the pupils will be informed that a photograph is being taken and told what the photograph is going to be used for. They will also be reminded that they can object and do not have to be in the photograph.
- The school will only take and use images that are appropriate and are considered to be 'not open to misuse'.
- It is not appropriate for adults employed by the Trust to take photographs of pupils for their personal use.
- Individual schools will keep a register on the MIS system of parents who have expressed a preference as contained in the form at the end of this policy. This will be updated annually as part of the data checking process.
- Images of pupils will not be used to illustrate controversial subjects.
- If a school wants to use named photographs then it will obtain specific consent first. For most pupils this will be the pupils themselves provided they are deemed adequate capacity to understand, although parental wishes will be taken into account.
- Images will be kept securely on the individual school's computer system. No unauthorised access will be given to these images.

3 Images for Media Use

It is recognized that press coverage is an important means of publicity for all the individual schools in the MAT, and is generally welcomed by parents. However there is still a need to protect pupils. The same conditions apply to press coverage as to official school use. Any photographs taken by the press will always be under the control of a member of staff employed by the MAT.

- Before any image can be used the MIS system must be checked to see if the photograph can be used
- The individual school will give proper consideration to the interests of its pupils when deciding whether to allow external organisations including the press to take photographs or to film.
- Where the media are allowed to be present at a particular event the school will make sure that pupils and their parents or carers are informed of the media presence. If no objection is received, then the school will assume that unnamed photographs may be published.
- If the Media entity wants to publish named photographs then they must obtain specific consent from those pupils with capacity to consent or the parents of those without capacity. The school will require the media entity to check with the school before publication so that the school can check that any objections have been taken into account.
- When the Media are allowed to be present in school or at school events, this will be on the condition that they observe this policy.
- Every effort should be made to ensure the press abide by the MAT's policy. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the press is to be considered to have acted in good faith.

4 Family Photographs at School Events

Where practical, arrangements should allow photographs to be taken by parents, legal guardians, family members and other guests attending school sports, concerts and similar events given the following guidance. Photography must not, though, be allowed to upset the performance or smooth running of the event or affect the health and safety of pupils and others.

Commercial copyright in a dramatic performance or musical will normally exclude any audio or video recording by the public (i.e. other than the Authority or the school for internal purposes) and in that event parents and their guests must be informed that the infringement of copyright is strictly forbidden.

- Family and friends taking photographs for the family album will not be covered by Data Protection legislation.
- It shall be at the discretion of the individual school whether photographs may be taken at a school event.
- When informing parents of an event, they will be informed in advanced of the decision about photography.
- Only images of pupils suitably dressed will be allowed to reduce the risk of images being used inappropriately. Special consideration will be given to photographs taken during PE (sports day) and swimming and certain dance exhibitions.
- Those parents and carers who are in the in the school to help with and assist children to dress or change will not be allowed to take photos or videos during this time
- Where the individual school decides to allow such photography, the family and friends will be asked not to publish any photographs showing children other than their own on the internet.
- Parents/guardians should 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 as they may have accidentally taken a photograph that included other children in the shot.
- Visitors to any event will have agreed to any conditions implied by their attendance at that event.
- If necessary, the audience will be reminded that the use of flash photography may spoil the performance for others and should not be used.
- Use of cameras and other equipment will be monitored. Any member of staff employed by the individual schools who attend an event will be expected to raise any concerns about inappropriate photography with the event organiser or a member of the SLT (if present).
- The individual school reserves the right to ask persons to leave the school site in the event of a breach of policy during an event.
- People with no connection to the individual schools will not be allowed to photograph – staff employed by the individual school should be encouraged to question anyone they do not recognise who is using equipment to take photographs in what may be considered an inappropriate way or taking photos of children that may be deemed to be inappropriate (due to the nature of the dress of the children).

5 Images taken by children photographing one another:

It is acknowledged that most pupils will have their own mobile phone that is capable of taking both video and still photography.

- Pupils taking images of each other for their own use will not be covered by Data Protection legislation, although inappropriate use of the images may be covered by other legislation.
- On school trips, Staff should be aware of the photographs being taken and step in when any photography is in breach of any aspect of any MAT policy.
- Pupils must not take photographs without the subject's consent and against their wishes;
- Pupils must not infringe another pupil's privacy in any way.
- Pupils must not take photographs in a situation which humiliates, embarrasses, or makes fun of others;
- On no account will photographs be taken in changing rooms, toilets or other areas of privacy.

6 Images taken to support examination courses

There are circumstances where students need to have video and /or still footage of their performance to support their examination. As these images are identifiable and will be sent to the examination board these images are subject to Data Protection Legislation. The images may be taken by fellow students or by staff involved in the particular activity.

- Staff and students may not use their own personal devices to take these images
- As these students are in year 10 or above, they will be considered to have adequate capacity to understand the Data Protection Legislation, and their permission will be sought before images are taken or recorded
- The individual student being filmed or photographed will give their consent to the photographs being taken
- Photographs will not be taken in changing rooms, toilets or other areas of privacy
- Pupils must not take photographs in a situation which humiliates, embarrasses, or makes fun of others;

- Students will sign a declaration stating they have given permission for images to be taken and for the images to be sent to the examination board as part of the examination material
- Images of the pupils will be encrypted before being sent to any exam board.

Other considerations

- Images may be uploaded to safe online storage as designated by the MAT. The use of facilities like drop box must not be used as they are not secure. (Microsoft One Drive and Google Drive Education are currently the only recognised secure cloud facilities by the MAT)



Midsomer Norton Schools Partnership

Expression of Parental Preferences

First Name of Child	
Surname of Child	
Class / Form	
School Name	

Please tick any that apply:

Unnamed Photographs:

<input type="checkbox"/>	I give permission for unnamed photographs of my child to be used in school eg Display boards.
<input type="checkbox"/>	I give my permission for unnamed photographs of my child to be used for school use for wider publication including: School prospectus and similar information or School website
<input type="checkbox"/>	I give my permission for an unnamed photograph of my child to appear in any external publication

Named Photographs:

<input type="checkbox"/>	I give permission for named photographs of my child to be used in school eg Display boards.
<input type="checkbox"/>	I give my permission for named photographs of my child to be used in any school publication.
<input type="checkbox"/>	I give my permission for named photographs of my child to be used on the school website.
<input type="checkbox"/>	I give my permission for named photographs of my child to appear in any external non-school publication.

I understand that the school will try to take my preferences into account but that the school must comply with Data Protection Legislation which will give my child rights in his / her own data when he / she has adequate capacity and understanding to make decisions about the publication of his / her photographs for him / herself.

Parental Details:

Title:			
First Name:		Surname:	
Relationship to child			
Signature		Date:	