

Photography of Pupils Policy

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Data protection issues

Data protection issues related to taking photographs of pupils in School are governed by the requirements of the Data Protection Act 2018 and can be summarised by the following general principles and guidelines:

- The law does not restrict the general right of individuals to take photographic or video images of other people. The restrictions that exist relate to wrongful exploitation or using them for an unspecified purpose.
- Independent schools are not required by law to impose restrictions on the use of cameras or videos on school premises. However, sensible restrictions are appropriate if they are based on considerations of courtesy and good manners or if the nature of the photographs is inappropriate in any way. It is in order for parents and other visitors to the School to be asked to use their cameras with consideration and confine their photography to specified events.
- If circumstances demand, for instance if it is suspected that photographs are being taken for commercial reasons, the photographer can be reminded that publication of the resulting material would potentially be an offence under the Data Protection Act.
- Different considerations arise with regard to plays or concerts which may be subject to a number of different copyrights. As a general rule, parents should be discouraged from taking photographs or video film of plays or concerts unless acting in a semi-official capacity at the request of the School and on the basis that the pictures or tape will belong to the School. It is reasonable to apply the normally accepted rules forbidding photography in theatres and concert halls. However, a reasonable common-sense approach is to be adopted where a parent wishes to film a performance involving their own child.

School promotional material

- There are legal implications in the use of photographs of pupils for the School Prospectus, in promotional videos, on our website or under commercial sponsorship arrangements.
- It is an implied term of the contract for educational services which exists between the School and the parents of a pupil that photographs of the pupil may be taken and used by the School in accordance with normal custom and practice. Such custom and practice would probably include set-piece photographs of the School, house, team, theatre cast, and snapshots of School activities. It has also been custom and practice for independent schools to use images of their pupils for marketing purposes such as in prospectuses and promotional videos or displays on their websites.
- Different terms apply regarding portrait-style images of pupils or the use of a pupil's image with commercial sponsors or in any circumstances where the School might receive payment or tangible benefit for allowing the use of the photograph, such as providing a photograph to the media where a pupil has come to public attention. In these circumstances, it is important that unequivocal parental consent is obtained. It may also be necessary to get pupil consent in some circumstances, largely dependent on the age of the pupil.

Safeguarding implications

- All staff must be aware of the risks involved in pupil photographs being digitally altered for indecent purposes and in the use of names on the website leading to inappropriate, unsolicited attention from people outside the School.
- To avoid such attention, care must be taken to ensure that photographs used on the website or for publicity purposes do not involve pupils who are inappropriately dressed and in postures that can be exploited. Website photographs where the pupil is specifically named should be used with caution.

- As a matter of routine, photographs of children intended for the School's website must be vetted by the Designated Safeguarding Lead, or the Head of External Relations on his/her behalf, to ensure that opportunities for modifying the image to produce inappropriate or indecent images are minimised. Also, all staff are to be aware of the need to take immediate and positive action if anybody is seen taking inappropriate images in unacceptable settings, for example in the swimming pool or in changing rooms. Such incidents must be reported to the Designated Safeguarding Lead at the earliest practicable opportunity.
- Notwithstanding the need to be aware and to take precautions, an atmosphere of suspicion and fear must be discouraged. Rationality and common sense should prevail, and this can be achieved by taking some basic precautions based on the guidelines described in this policy.

Employment handbook

Staff should also refer to the current Employment Handbook for fuller guidance on the photography of pupils.