

Highland Council Photography Procedures for Schools

These guidelines are intended to:

- facilitate photography for the business purposes of the council
- respect the rights of the individual
- safeguard child protection
- allow personal family photography where possible
- safeguard the Council and its staff

GENERAL

Photography can be carried out by authorised Council staff and other authorised agencies such as commercial photographers, the press and other media, for the following main purposes:

- enrolment and registration
- teaching and learning
- assessment
- staff development
- publicity and promotion
- identification and security
- recording of events

The involvement of other agencies must be authorised by the Head Teacher, authorised officers of the Council or by Corporate Communications, Press and Media Section.

Any authorised photographer must agree to:

- ensure that written consent has been obtained from a parent
- take appropriate measures to prevent unauthorised or unlawful processing of personal data, as well as against accidental loss, destruction of an image or personal data (including photographs)
- comply with the requirements of the Data Protection Act 1998
- use a secure storage area if storing photographs electronically

School handbooks should make it clear that the school recognises the issues of child protection and personal privacy and that a policy aimed at safeguarding pupils exists.

A member of staff should always be present when using a photographer.

Photographs may not be used for any purposes other than those for which consent has been given.

Photographs contributing to the history of the Council, a school, or the community may be retained indefinitely.

ELECTRONIC DEVICES WITH CAMERAS

Electronic devices with a camera including i-pads and tablets may be used at the discretion of Head Teachers and under appropriate supervision to take photographs for the purposes of curricular work. The use of cameras for all other purposes is prohibited in view of the risks inherent in such use, which include the existence and/or distribution of photographs contrary to the wishes, welfare and privacy of young people and adults.

PARENTAL PHOTOGRAPHY

Where practical, arrangements should allow photographs to be taken by parents and other guests attending school sports, concerts and similar events. Parents are not required to comply with the Data Protection Act when taking photographs of their own children, for their private use, at an organised event.

Photography must not be allowed to upset the performance or smooth running of the event, affect the health and safety of pupils and others, or interfere with the opportunities for pupil participation.

Parents should be reminded they are only permitted to post photographs of their own children on social media.

Commercial copyright in a dramatic performance or musical will exclude any audio or video recording by the public and in that event parents and their guests must be informed that the infringement of copyright is strictly forbidden.

COPYRIGHT

Copyright and use of photographs must be carefully controlled by the Council, i.e. retained safely by the school, or issued to the pupil or adult concerned or safeguarded by an officer of the Council.

Parents and any subjects of photography should be made aware that, when class or group photographs are taken by a commercial agency, copyright is retained by the photographer.

The press and other media retain the copyright to their photography.

EQUALITY ISSUES

The Council has a duty to have regard for the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity;
- Foster good relations

This relates to the nine protected characteristics¹ of the Equality Act 2010: race, age, sex, sexual orientation, disability, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership². It is recommended that consideration is also given to other groups, including children and young people living in deprivation, young carers and looked after children.

Images should be balanced so that they represent the diversity in our schools and communities

Some people may have special requirements to help them understand and complete consent forms. Arrangements must be made to cater for anyone who requires information to be translated into a different language or supplied in other formats.

¹ Age and marriage and civil partnership apply the Council as an employer

² In relation to non discrimination only.

CONSENT

In terms of the Data Protection Act 1998, the permission of all people, both children and adults, who will appear in a photograph, video or webcam image, must be obtained before the photography takes place.

Written consent must be obtained from a parent of a child.

Children in School – A Consent Form should be included in the school registration pack sent to parents on enrolment of a child at school, to cover the period that the child will spend at that particular school. The consent form could accordingly be valid for up to 7 years.

The Consent Form for Children in School concerns photography:

- to be used within the school in promotional literature, displays and publicity, including promotional videos
- which will be used in promotional literature, displays and publicity materials and on the school's or the Council's internal and external websites
- photography by the press when they are invited into schools to cover events celebrating success, and
- photography by parents at school plays, concerts, prizewinnings and other performances or sports events, etc.

A parent must complete the form indicating whether or not they agree to their child's photograph being taken for the purposes detailed in the form.

Where parents refuse permission for filming/photography, pupils should still have the opportunity if they wish of being involved in the event/activity for example through having a "backstage" role in a school production. Where pupils do not wish to be involved then an alternative activity should be identified.

Photography by the press is exempt from the Data Protection Act. If the press are likely to attend an event involving children in school, parents should be informed. The Consent Form for Photography of Children in School covers such consent.