

MMAP

Maidstone and Malling Alternative Provision
Inspiring Achievement



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Head of Service: Mrs A Carter

Image Use Policy

Policy written by: Bob Monk

Approved by Management Committee on:

Date to be reviewed: Annually.

Designated Safeguarding Lead (DSL):

Data Protection Officer (DPO): Bob Monk

Governor with lead responsibility:

Introduction

This use of images policy applies to the use of any film and electronic photographic equipment. This will include cameras, mobile phones, webcams, tablets and portable gaming devices with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.

As digital cameras and mobile phones have become more advanced and easier to use, it is increasingly likely that students and their families will be using digital photography as part of their everyday life. It is therefore very important that all education settings consider the impact such technology may have.

Digital technology has increased the potential for cameras and images to be misused and inevitably there will be concerns about the risks to which students and staff may be exposed. However, schools must be aware that it is the behaviours of individuals using the technology that present the risk, not the technology.

This document has been developed after discussions between Kent County Council, the press, early year's settings, schools and safeguarding staff. In developing the policy for this school, we suggest that head teachers, governing bodies and other managers should open the issue for discussion and explanation with parents/carers and other stakeholders. Any parents/carers and staff members with particular concerns must always be able to withhold their consent for image use for whatever reason.

Most students who suffer abuse are abused by someone they know. Maidstone and Malling Alternative Provision (MMAP) has taken the view, in consultation with the local police force, that the risk of a student being directly targeted for abuse through being identified by a stranger is small. By taking reasonable steps to make certain that a photograph is appropriate and the full name and contact details are protected, then photography for school and other events by staff, families and the media should be allowed. We are aware that the widespread use of mobile telephones as digital cameras would make banning them very difficult for schools to impose and police. Generally, photographs for school and family use and those that appear in the press are a source of pleasure and pride. They enhance self-esteem for students and young people and their families and this practice should continue within safe practice guidelines.

The DSL and/or the head teacher is ultimately responsible for ensuring the acceptable, safe use and storage of all technology and images. This includes the management, implementation, monitoring and review of the school's Image Policy. The head teacher and /or DSL can reserve the right to view any images taken and/or to withdraw or modify a member of staffs' authorisation to take or make official images at any time. All members of staff must ensure that all images are available for scrutiny and be able to justify any images in their possession.

Official use of Images/Videos of Students by the School

Scope and aims of the policy

- This policy seeks to ensure that images and videos taken within and by Maidstone and Malling Alternative Provision are taken and stored legally, and that the required thought is given to safeguarding all members of the community.
- This policy applies to all staff including the management committee, teachers, support staff, external contractors, visitors, volunteers and other individuals who work for or provide services on behalf of the school (collectively referred to as 'staff' in this policy) as well as students and parents/carers.
- This policy must be read in conjunction with other relevant school policies including (but not limited to) Safeguarding and student protection, Anti-bullying, Behaviour, Data Protection, Acceptable Use Policies, and relevant curriculum policies.
- This policy applies to all images (including still and video content, plus printed copies) taken by and/or for the school. All images taken by the school will be used in a manner respectful of the eight Data Protection Principles (Data Protection Acts 1998/2018). This means that images will be:
 - o fairly and lawfully processed
 - o processed for limited, specifically stated purposes only
 - o used in a way that is adequate, relevant and not excessive
 - o accurate and up to date
 - o kept on file for no longer than is necessary
 - o processed in line with an individual's legal rights
 - o kept securely
 - o adequately protected if transferred to other countries
- The DPO, DSL and Management team are responsible for ensuring the acceptable, safe use and storage of all camera technology and images within the school. This includes the management, implementation, monitoring and review of this Image Use Policy.

Consent

- Pupils who are 13 years or older are considered old enough to give their own consent. Parents / carers will be asked to give consent for those under 13 years.
- Photographs taken for the sole purposes of Education (e.g. as part of a PE course or Construction work) do not require consent as these images are covered by "for the Public Good" part of the legislation.
- Other than the preceding example, written permission from parents, carers or students will always be obtained before images/videos of students are taken, used or published by the school.
- Written consent will always be sought to take and use photographs offsite for professional and/or training purposes. This may be in addition to parental permission sought for onsite images.
- Written consent will be kept by the school where students' images are used for publicity purposes (such as brochures or publications), until the image is no longer in use.
- Permission will be sought on admission to the school.
- A record of all consent details will be kept securely on file. Should permission be withdrawn at any time, all relevant images will be removed and disposed of and the record will be updated accordingly.

Safety of Images and Videos

- All images taken and processed by or on behalf of the school will take place using school provided equipment and devices.
- Staff will receive information regarding the safe and appropriate use of images as part of their safeguarding training and responsibilities.
- All members of staff (including volunteers) will ensure that all images are available for scrutiny and will be able to justify any images in their possession.
- Images will not be kept for longer than is to be considered necessary. A designated member of staff (DPO or DSL) will ensure that all photographs are permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use.
- All images will remain on site at all times, unless prior, express consent has been given by both DPO and DSL and the relevant consent-giver of any student or young person captured in any photograph.
 - o Should permission be given to take any images off site then all relevant details will be recorded, for example who, what, when and why; and data will be kept securely (e.g. with appropriate encryption).

- Any memory stick, CD or storage device containing images of students to be taken offsite for further work will be suitably encrypted and will be logged in and out by the DPO and/or DSL and this will be monitored to ensure that it is returned within the expected time scale.
- The DPO and/or DSL reserve the right to view any images taken and/or to withdraw or modify a member of staff's authorisation to take or make images at any time.
- Only official school-owned equipment (e.g. work-provided digital or video cameras) will be used by staff to capture images of students for official purposes. Use of personal cameras by staff is prohibited at all times.
- Any apps, websites or third-party companies used to share, host or access students' images will be risk assessed prior to use.
- The school will ensure that images always are held in accordance with the Data Protection Acts 1998/2018 and suitable student protection requirements (if necessary) are in place.
- Printed photographs will be disposed of when they are no longer required. They will be passed to the student, parent or carer, deleted, wiped or shredded as appropriate. Copies will not be taken of any images without relevant authority and consent from the DPO and/or DSL and the student/parent/carer.

Publication and sharing of images and videos

- Images or videos that include students will be selected carefully for use e.g. only using images of students who are suitably dressed.
- Images or videos that include students will not provide material which could be reused.
- Students' full names will not be used on the website or other publication (e.g. newsletters, social media channels) in association with photographs or videos.
- The school will not include any personal addresses, emails, telephone numbers, fax numbers on video, on the website, in our prospectus or in other printed publications.

Safe Practice when taking images and videos

- Careful consideration is given before involving vulnerable students when taking photos or recordings, who may be unable to question why or how activities are taking place.
- The school will discuss the use of images with students and young people in an age-appropriate way.
- A student or young person's right not to be photographed is to be respected. Images will not be taken of any student or young person against their wishes.
- Photography is not permitted in sensitive areas such as toilets, etc.

Use of Closed-Circuit Television (CCTV) and Bodycams

- All areas which are covered by CCTV will be well signposted, and notifications are displayed so that individuals are advised before entering such vicinity.
- Recordings will be retained for a limited time period only and for no longer than their intended purpose. The images will be deleted a maximum of 30 days after recording unless needed as evidence. A recording that is being used as evidence will be deleted once it is no longer needed.
- Regular auditing of any stored images will be undertaken by the DPO and/or DSL or other member of staff as designated by the management team.
- If cameras record activities taking place on the premises which are of a criminal nature or give any cause for concern, then information will be referred to the appropriate agency.
- CCTV cameras will be appropriately placed within the school.
- Some staff may wear a bodycam to help with and monitor good behaviour within the school. The images and sounds taken by these cameras will be downloaded by the school's IT technician to an appropriate hard-drive. The images will be deleted a maximum of 30 days after recording unless needed as evidence. A recording that is being used as evidence will be deleted once it is no longer needed.

Use of Webcams (currently the school does not use Webcams)

- Parental consent will be obtained before webcams are used within the school environment for curriculum or educational purposes.
- All areas which are covered by webcams for security or safeguarding purposes will be well signposted, and notifications are displayed so that individuals are advised before entering such vicinity.
- Retention and deletion will be the same as for CCTV.

Use of Images/Videos of Students by Others

Use of Photos/Videos by Parents/Carers

- Parents/carers are permitted to take photographs or video footage of events (e.g. the summer garden party or Barbeque) for private use only.
- Parents/carers who are using photographic equipment must be mindful of others (including health and safety concerns) when making and taking images.
- The opportunity for parents/carers to take photographs and make videos can be reserved by the school on health and safety grounds.
- Parents/carers are only permitted to take or make recording within designated areas of the school. Photography is not permitted in sensitive areas such as toilets, etc..
- The right to withdraw consent to be photographed or filmed will be maintained and any photography or filming on site will be open to scrutiny at all times.
- Parents may contact the school DPO/DSL to discuss any concerns regarding the use of images.
- Photos and videos taken by the school and shared with parents should not be shared elsewhere (e.g. posted on social media site), to do so may breach intellectual property rights, data protection legislation and, most importantly, may place members of the community at risk of harm.

Use of Photos/Videos by Students

- The school will discuss and agree age-appropriate acceptable use rules with students regarding the appropriate use of cameras, such as places students cannot take the camera (e.g. unsupervised areas, toilets etc.).
- The use of personal devices e.g. mobile phones, tablets, students' own digital cameras, is covered within the school's mobile phone and/or online safety policy.
- All staff will be made aware of the acceptable use rules regarding students' use of cameras and will ensure that students are appropriately supervised when taking images for official or curriculum use.
- Members of staff will role-model positive behaviour to the students by encouraging them to ask permission before they take any photos.
- Photos taken by students for official use will only be taken with parental consent and will be processed in accordance with the Data Protection Act 2018.
- Parents/carers will be made aware that students will be taking photos/videos of other students and will be informed how these images will be managed by the school e.g. will be for internal use by the school only (not shared online or via any website or social media tool).
- Photos taken by students for official use will be carefully controlled by the school and will be checked carefully before sharing online or via digital screens.
- Still and video cameras provided for use by students and the images themselves will not be removed from the school unless the photography or filming has, by its very nature, to be off-site.

Use of Images of Students by the Media

- Where a press photographer is to be invited to celebrate an event, every effort will be made to ensure that the newspaper's (or other relevant media) requirements can be met.
- A written agreement will be sought between parents and carers and the press which will request that a pre-agreed and accepted amount of personal information (e.g. first names only) will be published along with images and videos.
- The identity of any press representative will be verified and access will only be permitted where the event is planned, and where press have been specifically invited to attend. No authorisation will be given to unscheduled visits by the press under any circumstances.
- Every effort will be made to ensure the press abide by any specific guidelines should they be requested. No responsibility or liability however can be claimed for situations beyond reasonable control, and where the school is to be considered to have acted in good faith.

Use of Professional Photographers

- Professional photographers who are engaged to record any events will be prepared to work according to the terms of the schools Image Use policy.
- Photographers will sign an agreement which ensures compliance with the Data Protection Act and that images will only be used for a specific purpose, subject to parental consent.
- Photographers will not have unsupervised access to students and young people