



## PERSONAL DEVICES AND PHOTOGRAPHY POLICY

### 1. INTRODUCTION

We recognise that new technologies have become integral to the lives of adults and children in today's society. At the same time, a proliferation in the use of personal devices brings some challenges in the areas of safeguarding, privacy law, wellbeing and good, old-fashioned manners.

This document provides guidance which is intended to take a common-sense approach towards assisting parents to build up a record of their children's school days, whilst keeping pupils safe in our schools, respecting the privacy of others and abiding by the law of the land.

This guidance should be read in conjunction with the schools' relevant policies, including those on safeguarding, data protection, confidentiality, ICT (Acceptable Use) and Online Safety.

### 2. EXECUTIVE SUMMARY

To comply with the law, our guiding principle is as follows, regarding the use of personal mobile devices, cameras or any other device to film or to take photographs in school or at school events:

**No photograph or film taken in school may be published (this includes on any social media platform such as Instagram, Facebook, Twitter, YouTube or Vimeo - regardless of privacy settings - or in any other way) without the explicit consent of each person recorded and, in the case of a child, without the explicit consent of their parents.**

In addition, there are several school events, listed below, at which parents are asked not to film or take photographs, for reasons of good manners, courtesy to others and to suit the occasion.

### 3. THE LEGAL FRAMEWORK

The laws which govern this area are complex and evolving. They include the law of Confidentiality, Article 8 of The Human Rights Act and the Data Protection Act (the General Data Protection Regulation from May 2018). These laws protect a right to privacy and include the right to protect one's image. The privacy of children, most especially on school premises, is particularly robustly protected.

In simplistic terms, it is not against the law for parents to take pictures or film of their child in a school. Advice issued by the Information Commissioner's Office (ICO) states (rather quaintly) that the Data Protection Act (DPA) does not apply in the case of a parent who takes a photograph of their child and some friends taking part in the school Sports Day, which is "to be put in the family album" (Taking Photographs in Schools, Version 4.1, ICO).

However, legal issues arise where such a photograph or film is published, for example on any social media platforms (such as Instagram, Facebook, Twitter, YouTube or Vimeo - regardless of privacy settings), or in any other way, without the explicit consent of every person recorded or, in the case of a child, without the explicit consent of their parents.

It is for this reason that many schools have taken the approach of a 'blanket ban' on the use of cameras (and therefore of all mobile phones and personal devices) in school.

### 4. COURTESY AND CULTURE

Whilst there is no firm legal basis on which to prevent parents from filming or taking photographs of their own children in school, there are occasions when it is desirable to do so, for reasons of good manners, courtesy to others (a core value of the school) and to suit the occasion.

Culturally, in terms of the education of our pupils and the values which we would like them to acquire, we believe that there are important lessons to pass on about the appropriate use of personal mobile devices. By setting an example as adults, we hope that our pupils will also acquire discernment about when the use of personal devices may and may not be appropriate.

## **5. RELATIONSHIPS AND WELLBEING**

The schools embrace technology and invest heavily in human resources, hardware and software, in order to enhance teaching and learning, to improve the efficiency of our administration and to equip our pupils with the technological skills and knowledge which they will need in the lives that lie ahead of them.

At the same time, we seek to educate all members of the school community about the potential pitfalls of unregulated 'screen-time', the detrimental impact which can be caused to relationships and wider mental health issues which can be associated with an over-reliance on technology and social media.

We would therefore like all members of the school community to develop a sensitivity and an awareness about the time, location and volume of their use of personal devices and of its impact on others around them. At the moment of parents greeting their child at the end of the day, for example, we fully support the adage to "Greet your child with a smile, not a mobile."

## **PROCEDURES**

### **6. IMPLEMENTATION AT THOMAS'S ACADEMY**

With all this in mind, we take the following approach to the use of personal devices at Thomas's Academy:

As stated above, to comply with the law, our guiding principle is as follows:

**No photograph or film taken in school may be published (this includes on any social media platform such as Instagram, Facebook, Twitter, YouTube or Vimeo - regardless of privacy settings - or in any other way) without the explicit consent of each person recorded and, in the case of a child, without the explicit consent of their parents.**

The observance of this principle relies on trust between all members of each school's community. A breach of this principle is a breach of the law and therefore of the ethos of the school. It will therefore be regarded as a serious breach of the schools' terms and conditions (paragraph 65), which could ultimately result in a pupil's removal from the school.

#### **6.1 Pupils**

Pupils in the older years in each school who can demonstrate a clear need for a mobile phone (such as for security when walking to and from school) may bring one into school. Pupils' phones should be handed in to School Office at the start of each day.

#### **6.2 Staff**

For members of staff, their use of personal mobile devices is governed by the schools' ICT

(Acceptable Use) Policy. This prohibits the use of personal devices in the presence of children, except momentarily when required for 2 step verification log ins.

### 6.3 School Events

We realise that there are a number of school events, of which parents are likely to want to keep a visual record if their child is involved, for posterity or, for example, to share with relatives. Non-flash photography and film is permitted from a silent camera by parents, provided that this is carried out discreetly, without distracting either the performers, players or members of the audience. For this reason, filming with a tablet is not permitted. For any photographs or film taken at such events, the guiding principle in paragraph 6 above applies: they may be taken for parents' personal use, **but must not be published** without consent.

## 7. FILM AND PHOTOGRAPHS TAKEN BY MEMBERS OF STAFF

As described above, teachers' photography of pupils is governed by the schools' ICT (Acceptable Use) Policy. Members of staff may only film or take photographs using school devices (such as school-issued cameras, phones or iPads) and any such photographs may only be used in the course of a teacher's professional duties, such as to create a portfolio of a child's learning journey, for display on a subject board or for presentation and celebration purposes around the school.

Using school devices, teachers may take photographs of pupils at appropriate moments during residential trips. These are then made available to the children's parents as a means of keeping them informed about their children's activities while they are away from home. Parents have the option to request that film or photographs of their child are not published in this way.

Individual and class photographs are taken by an in-house school photographer and can be purchased through the Schoolsnap website which is available on the parents area of the TLP.

Under current legislation the use of such photographs is covered by the schools' terms and conditions and parents may make it known that they do not wish their child's image to be used.

"Parents who do not want their child's photograph or image to appear in any of the Schools' promotional material must make sure their child knows this and must give formal notice in writing to the Head that they do not wish their child's image to be included and have received written acknowledgement from the School of that notice. "

From 25<sup>th</sup> May 2018 parents will be required to sign a consent form giving permission for pupils' digital images and personal data to be used in a range of formats.

Each school keeps a list of the pupils for whom photograph permission is not given and this is shared with the school photographers. The nominated list holders are:

Members of staff can also opt out of having their image on Social Media and should inform the nominated list holder in writing.

From time to time the schools receive requests for images for educational and other publications. The schools will always seek explicit permission from parents before releasing any film or photographs of children to third parties. **(See Appendix 2).**

## 8. USE OF PHOTOGRAPHS ON SOCIAL MEDIA FOR SCHOOL PURPOSES

When using social media, for the privacy and protection of all children and adults, members of staff are vigilant and follow the agreed procedures outlined in the ICT (Acceptable Use) Policy.

Particular care is taken when using images for external purposes such as the school website, Instagram, Twitter feeds etc so that it is not possible to identify pupils by name or other personal information. The feeds are also monitored so that any comments are removed should they identify a pupil in any way.

**See also:** Code of Conduct, Confidentiality Policy, Data Protection Policy, ICT (Acceptable Use) Policy, Online Safety Policy, Privacy Notice, Safeguarding and Child Protection Policy

<b>This policy will be reviewed annually</b>		
Next Review:September 2021	By:	Education and Safeguarding Committee

**Appendices:**

Appendix 1: Guidance for parents/carers on the use of personal devices in school

Appendix 2: Parent/Guardian permission from for external publicity photographs

## PERSONAL DEVICES AND PHOTOGRAPHY POLICY APPENDIX 1



### GUIDANCE FOR PARENTS/CARERS ON THE USE OF PERSONAL DEVICES IN SCHOOL

#### **Making telephone calls or using mobile devices**

- Parents/carers are respectfully advised that in the interests of courtesy and safety they should not make telephone calls or use any mobile devices in classrooms or communal areas except with explicit permission.
- Parents/carers should not contact members of staff using the teachers' personal mobile phones
- Parents/carers are reminded that in cases of emergency, the school office remains a vital and appropriate point of contact.

#### **Digital images (still photographs and videos)**

- Parents/carers are permitted to take silent, non-flash photographs or moving images for personal use at school events, but should show courtesy towards the performers and other members of the audience. (The use of tablets is therefore not permitted)
- **No photograph or film taken in school may be published (this includes on any social media platform such as Instagram, Facebook, Twitter, YouTube or Vimeo - regardless of privacy settings - or in any other way) without the explicit consent of each person recorded and, in the case of a child, without the explicit consent of their parents.**
- Parents should also not comment on any activities involving other pupils in any digital/video images or make any comments that link the photographs to Thomas's, eg #TLDS
- If parents would prefer their child/children did not feature in school photographs or on social media platforms linked to the school they should let the school know in writing.
- Parents are also requested not to post images of members of staff on social media platforms

## PERSONAL DEVICES AND PHOTOGRAPHY POLICY APPENDIX 2



**PARENT/GUARDIAN PERMISSION FORM FOR EXTERNAL  
PUBLICITY PHOTOGRAPHS**

I give permission for:

..... (child's name)

in ..... (form)

to have their photograph included with publicity material for:

.....  
(company or organisation name)

I understand that my child's name will not be used in connection with the photographs or if, for any reason this is required, additional permission will be sought.

Signed: ..... (parent or guardian)

Printed name: .....

Date: .....