



## PHOTO AND VIDEO POLICY

The Willow Learning Trust (WLT) uses imagery and videos for a variety of purposes, including identification, prospectuses, display boards, educational purposes, conferences and the WLT schools' websites. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

Whilst we recognise the benefits of photography and videos, we also understand that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), the WLT has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The WLT have implemented this policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the WLT regarding pupils' safety.

The procedures laid out in this policy must be followed by all WLT staff to ensure that, as far as possible, photography and video is used safely at all times. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

### 1. Legal Framework

This policy has due regard to legislation, including, but not limited to, the following:

- The General Data Protection Regulation (GDPR) (2018)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) regulations 2004
- The School Standards and Framework Act 1998
- The Children Act 1989
- The Children Act 2004
- The Equality Act 2010

This policy has been created with regard to the WLT's policies, including, but not limited to, the Data Protection Policy

### 2. Definitions

"Personal Use" of photography and videos is defined as the use of cameras or devices to take images and recordings of individuals by relatives or friends, e.g. a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use and are not intended to be passed on to unknown sources, therefore the principles of GDPR do not apply.

The principles of GDPR apply to:

- "Official WLT use", defined as photography and videos which are used for WLT purposes, e.g. for building passes.
- "Media use", defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper or website.
- Staff may also take photos and videos of pupils for "educational purposes". These are not intended for official WLT use, but may be used for a variety of reasons, such

as school displays, special events, assessment and workbooks. These images are displayed around the school, within the school walls and are necessary for the performance of the school, demonstrating the school ethos and values and celebrating school successes.

### **3. Roles and responsibilities**

The WLT Headteachers are responsible for:

- Deciding whether parents are permitted to take photographs and videos during school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

The designated safeguarding leads (DSL) are responsible for:

- Liaising with social workers to gain consent for photography and videos of LAC pupils.
- Informing the WLT Headteachers of any known changes to a pupil's security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

Parents are responsible for:

- Completing the consent form for children under the age of 13 (over this age will be the pupils' responsibility) when they enrol at the school.
- Informing the WLT in writing where there are any changes to their consent.
- Acting in accordance with this policy.

The Data Protection Officer (DPO) is responsible for:

- Informing and advising the WLT employees of their obligation to comply with the GDPR in relation to photographs and videos at school.
- Monitoring the WLT's compliance with the GDPR in regard to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at within the WLT schools.
- Conducting internal audits, in regard to the WLT's procedures for obtaining, processing and using photographs and videos.
- Providing the required training to staff members, in relation to how the GDPR impacts photographs and videos at school.

### **4. Parental consent**

Parents will be asked to complete a consent form, which will determine whether or not they allow their child to participate in photographs and videos. The consent form will be valid for the period when their child is on-roll at the school, unless the pupil's circumstances change in any way, e.g. if consent is withdrawn. Additional consent forms will be required if the pupil's circumstances change.

In accordance with the GDPR:

- Children as young as 13 may be permitted to provide consent to the processing of their data.
- If there is a disagreement over consent, or if a parent does not respond to a consent request, it will be treated as if consent has not been given.
- All parents / students are entitled to withdraw or change their consent at any time during the school year.
- Parents will be required to confirm on the consent form, in writing, that they will notify the WLT if their child's circumstances change in any way, or if they wish to withdraw their consent.
- For any LAC pupils, or pupils who are adopted, the DSL will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be

- sought. Consideration will be given as to whether identification of a LAC pupil, or pupils who are adopted, would risk their security in any way.
- Consideration will also be given to any pupils for whom child protection concerns have been raised. Should the DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.

Details of consent will be stored on SIMS under section 12 "parental consent". These details will be updated if any parent or pupil withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk.

## **5. General procedures**

Photographs and videos of pupils will be carefully planned before any activity. When organising photography and videos of pupils, the WLT Headteachers as well as any other staff members involved, will consider the following:

- Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
- Could the camera angle be amended in any way to avoid pupils being identified?
- Will pupils be suitably dressed to be photographed and videoed?
- Will pupils of different ethnic backgrounds and abilities be included with the photographs or videos to support diversity?
- Would it be appropriate to edit the photos or videos in any way? E.g. to remove logos which may identify pupils?
- Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?
- Could the photos and videos cause any distress, upset or embarrassment?
- Whether appropriate consent has been given by the pupils/parents.

Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

## **6. Additional safeguarding procedures**

The WLT understands that certain circumstances may put a pupil's security at a greater risk and, thus, may mean extra precautions are required to protect their identity. The DSL will, in known cases of a pupil who is a LAC or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the needs and risks associated with the pupils. Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimise any impact on the pupil's day-to-day life. The measures implemented will be one of the following:

- Photos and videos can be taken as per usual WLT procedures;
- Photos and videos can be taken for educational purposes and official WLT use, but cannot be published online or in external media;
- No photos or videos can be taken at any time, for any purposes.

Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photographs, held by the DPO, will be updated accordingly.

## **7. School-owned devices**

Staff are encouraged to take photos and videos of pupils using WLT equipment; however they may use their personal devices, where consent had been sought prior to the activity. Devices may be used without prior consent in exceptional circumstances such as during Lockdown procedures. Where devices are used, images and videos will be downloaded onto the WLT server at the earliest

opportunity and removed from the personal devices in question. All photographs/stills and video footage should be available for scrutiny and staff should be able to justify all images/video footage made.

### **8. Use of a professional photographer**

If the WLT decides to use a professional photographer for official school photos and school events, the WLT Headteachers will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
- Issue the photographer with identification, which must be worn at all times.
- Let pupils and parents know that a photographer will be in attendance at an event and what the photographs will be used for.
- Not allow unsupervised access to pupils or one-to-one photo sessions at events.
- Communicate to the photographer that the material may only be used for the WLT's own purposes and that permission has not been given to use the photographs for any other purpose.
- Ensure that the photographer will comply with the requirements set out in GDPR.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images or videos are not used for anything other than the purpose indicated by the WLT.

### **9. Permissible photography and videos during school events**

It is at the WLT Headteachers discretion to permit photographs or videos during a school event. This will be clearly notified to parents prior to an event. If parents are permitted to take photographs or videos during a school event, parents will:

- Remain seated while taking photographs or videos during concerts, performances and other events.
- Minimise the use of flash photography during performances.
- In the case of all school events, make the focus of any photographs or videos their own children.
- Avoid disturbing others in the audience or distracting pupils when taking photographs or recording video.
- Ensure that any images and recordings taken at WLT events are **exclusively for personal use** and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
- Refrain from taking further photographs and/or videos if and when requested to do so by staff.

### **10. Storage and retention**

Hard copies of photos and video recordings held by the WLT will not be used other than for their original purpose, unless permission is sought. Hard copies of photographs used for educational purposes are stored securely by the relevant staff member and retained for as long as they are required for the purpose in which they were taken.

Digital photographs and videos held on the WLT's drive are accessible to staff only. Official photos are held on SIMS/Arbor alongside other personal information and are retained for the length of the pupil's attendance at the school, or longer, if necessary, e.g. due to a police investigation.

### **11. Monitoring and review**

This policy will be reviewed on an annual basis by the Trust Premises committee.

The next scheduled review date for this policy is **May 2025**. Any changes to this policy will be communicated to staff members and, where appropriate, parents.