



**Ham Drive Nursery School and
Day Care**



PLYMOUTH NURSERY SCHOOLS FEDERATION

POLICY FOR THE USE OF PHOTOGRAPHIC AND VIDEO IMAGES OF CHILDREN

AIM

Plymouth Nursery Schools Federation (Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care) agrees to comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998 when using and/or authorising the use of photographic and video images of children and will ensure that:-

- (i) where necessary, consent has been given prior to the taking and use of images on school premises, particularly where these show children

and

- (ii) such images are used in a manner respectful of the eight Data Protection Principles and also of the rights conferred to individuals under these Acts.

CONSENT

Plymouth Nursery Schools Federation will ensure that written permission is obtained from the parent or legal guardian for all children to be photographed (including video) during school events, such as nativity plays, assemblies, sports days and all other purposes which are not core to the school's educational role. This is because an image of a child is personal data for the purposes of the Data Protection Act 1998 and it is a requirement of the Act that consent is obtained.

Plymouth Nursery Schools Federation will seek the consent of parents or legal guardians when the child is enrolled. This policy and consent will cover the whole of the child's intended time at the Federation Schools.

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The schools will at all times consider the need to revisit the consent in the event of a child's circumstances changing.

The consent of a parent or legal guardian will normally be obtained in writing. However, it is recognised, that it is not always possible to obtain written consent and, in these circumstances, verbal consent is acceptable. If verbal consent is obtained it will be recorded in writing by the member of staff obtaining the consent (sample forms for obtaining and recording consent are attached to this policy document).

Plymouth Nursery Schools Federation will continue to use photographs or videos of children who are no longer attendees, unless consent has been specifically withdrawn.

Staff will ensure that images are only used in circumstances described on the consent form. Further consent will be obtained should the consent form not cover specific initiatives such as school websites etc.

CONSIDERATIONS WHEN TAKING IMAGES OF CHILDREN

When considering the use of images of children, the Schools will ensure that:-

- (i) Where the subject allows for such discretion, close up pictures of individual children will be avoided and instead general shots of group activities taken.
- (ii) Where possible only images of children in suitable dress will be taken. Even in a sports context, where practical, photographic/video images of children in unsuitable dress will be avoided.
- (iii) When a photograph or video image of a child is used out of school, the child's name will not normally accompany the photograph/image in a caption or any accompanying text. (Please also see section entitled "Use of Images of Children by the Press").
- (iv) When a child is named (for whatever, agreed reason), in any text which is published, in perhaps a brochure or on the nursery's website, a photograph/image of the child will not appear with the text.
- (v) No details of home telephone numbers, e-mail or home addresses are given.
- (vi) Where children/parents wish their name to be associated with an image (e.g. if the subject matter is such that it reflects well on them) the nursery will seek additional parental/legal guardian permission for the child to be named.

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USING PHOTOGRAPHS AND IMAGES OF CHILDREN SUPPLIED BY A THIRD PARTY

Plymouth Nursery Schools Federation recognises that copyright exists in photographs/video images and this copyright generally rests with the photograph/video matter etc.

Before using any image supplied by a third party, the Schools will ensure that they check that the third party owns the copyright and permission is given in writing by the individual(s) to use the photograph/image.

A third party who provides such photographs/images will be asked to confirm in writing that they have the express consent of the parent/legal guardian to use the said photograph/image.

USE OF IMAGES OF CHILDREN BY THE PRESS

There may be occasions where the press take photographs at the nursery of children. The press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes.

Generally, parents and relatives take pride in “press cuttings” which picture and perhaps also name their children and for most, this outweighs any fears about this information being misused. This having been said, it has become apparent that some parents do object to the publication in the press of information about and images of their children. As a result the nursery will ensure that the consent of parents is sought prior to giving the press access to children. The standard consent form attached to this policy document covers this area.

The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. In this way a check is put on the potential improper use of images of children by the press. The nursery will ensure that it politely checks that broadcasters and press photographers who may be on the school premises are aware of the sensitivity involved in detailed captioning, one to one interviews, and close or sports photography.

The following are examples of the types of scenarios that can occur:

Team Photographs

- (i) When everyone is prepared to allow team photographs and full names to be published. In this situation publication can occur.

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- (ii) If a parent is not happy to have a child's name printed on a photograph then consideration will be given to publishing the photograph with no names. The Headteacher will make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- (iii) If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph will not be appropriate.

Photo Opportunities

- (i) When an establishment invites a newspaper to celebrate an event, the Headteacher will make every effort in advance to ensure that the newspaper's requirements can be met.
- (ii) It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. The nursery will give thought to this beforehand – and parental permission/opinion will be the key guidance.
- (iii) This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- (iv) If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group – the nursery will endeavour to negotiate a 'first names only' agreement with the newspaper.
- (v) Should this not be possible the nursery will be prepared to forego newspaper publicity.

PARENTAL RIGHT TO TAKE PHOTOGRAPHS ETC.

Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not, therefore, stop parents from taking photographs or making video recordings at nursery events, such as nativity plays. However, Plymouth Nursery Schools Federation reserves the right to refuse parents this opportunity for health and safety reasons, such as the use of excessive flashlight, bulky or noisy equipment.

Parents are not permitted to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a nursery event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached.

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The nursery will make every effort to ensure that people with no connection to the nursery do not have any opportunity to film covertly. Staff have the authority to quiz anyone they do not recognise who is using a camera or video recorder at events and productions.

USE OF A PROFESSIONAL PHOTOGRAPHER

Staff will ensure that any professional photographer engaged to record a nursery event is prepared to work according to the terms of this policy document and the following guidelines:

- (i) In the context of Data Protection legislation, the photographer will be considered as a “Data Processor” and any agreement with them will be in accordance with the Data Protection Act 1998.
- (ii) Photographers will only be used if they guarantee to act appropriately to prevent unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, the personal data including photographs.
- (iii) Photographers will be asked to sign up to an agreement with the nursery which will include:
 - Compliance with the Data Protection Act 1998 (most professional photographers will be aware of these requirements).
 - That material may only be used for the nursery’s own purposes and that permission has not been given to use the photographs for any other purpose.
 - That the photographer may not disclose the photographs to any other party unless specifically required to do so in order to fulfil the requirements under the contract or where written permission has been given by the nursery.
 - The photographer must comply with the steps set out above.
 - The photographer will be responsible for keeping his own records as evidence that he has carried out the above.

NOMINATING A NON-PROFESSIONAL TO BE THE AUTHORISED PHOTOGRAPHER

Should the Schools nominate another individual, say a parent, staff member or governor, to be the photographer, it will be made clear that the images may not be used for anything other than the purpose indicated by the schools. Where digital or similar photography is used, staff will require, wherever possible, the parent, staff member or governor to leave all images or image holding equipment at the school premises and to subsequently process and/or develop final images on site. Such action will protect the parent, staff member or governor from future allegations of impropriety.

CHARGING FOR PHOTOGRAPHS/VIDEOS

Where a nominated photographer (professional or otherwise) is used, the proceeds from any sale of photographs or copies of videos will go to the individual school fund and images will be sold at cost price.

Re-adopted by the Governing Body: 16th October 2018

Signed: Chair of Governors

Policy review cycle: Three yearly. Next review October 2024

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CONSENT FORM FOR THE USE OF IMAGES OF CHILDREN

Dear Parent,

Plymouth Nursery Schools Federation (Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care) recognises the importance of celebrating achievement and promoting the success of our children. In other circumstances the taking of photographs or video recordings of children at the nursery may be for strictly educational purposes or for purposes ancillary to the running of the nursery (e.g. taking photographs for use in the Prospectus or on the website).

There may also be occasions when the local press visit to record particular School events and they may wish to publish photographs of children in newspapers or use recordings of the children on television when reporting these events.

Following changes in the law and in order to comply with the Data Protection Act 1998, Plymouth Nursery Schools Federation needs your consent before allowing the taking of photographs or making video recordings of your child for purposes which are not part of its core activities.

We should therefore be grateful if you could answer the following questions, sign and date the form and return it as soon as possible.

Name of child:.....

Date of birth of child:.....

1. I agree that the Plymouth Nursery Schools Federation can take photographs of my child which may be used in nursery literature (e.g. the newsletters; the nursery's brochure/prospectus and other promotional material etc.).
Yes /No
2. I agree that Plymouth Nursery Schools Federation can use images of my child on its websites. (Please note the websites can be viewed across the world.)
Yes/No
3. I agree that Plymouth Nursery Schools Federation can use images of my child in video recordings to promote the School.
Yes/No
4. I agree that Plymouth Nursery Schools Federation can take photographs and make video recordings of my child for the nursery's own records, archives and future interest.
Yes/No

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5. I agree that my child can appear in video recordings or in collections of photographs stored on CD ROMS which may be made of nursery events and which it may sell to parents of children at the nursery to raise funds for the benefit of the nursery.

Yes/No

6. I am happy for the press to take and use images of my child.

Yes/No

7. Plymouth Nursery Schools Federation may give the press the first name only

Yes/No

8. Plymouth Nursery Schools Federation may give the press the first and surname

Yes/No

Please note that further details of these proposed uses of images of your child are given on the back of this form, which you should read.

I have read and understood the conditions of consent on the back of this form.

Signature of parent/guardian:

Date:.....

Name (in block capitals)

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CONSENT FORM FOR THE USE OF IMAGES OF CHILDREN

CONDITIONS OF CONSENT

1. The information which you provide in this Consent Form is valid from the time when the nursery receives this form until the time your child leaves. If your circumstances change or you change your mind about any issues addressed in this form please let the staff know immediately.
2. Images of your child will not be used once your child has left the nursery without obtaining the parent's/legal guardian's specific consent.
3. The nursery will not publish names of children with their images without prior specific and separate consent from parents/legal guardians.
4. If a child is named in any text which the nursery publishes, a photograph will not be included with the text, unless this is the wish of the child and parents/legal guardians.
5. The nursery will generally avoid publishing close up or individual photographs of children. The preference is to publish class or group images.
6. The nursery will only use images of children who are appropriately dressed.
7. The nursery will not pass to the press the names of any children appearing in photographs or recordings which the press wish to publish or broadcast, unless a parent/legal guardian has consented to this.
8. If you agree that the media can take and use images of your child you should note that the media's use of images of children is governed separately by the Data Protection Act and other legislation and industry codes of practice

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VERBAL CONSENT FORM FOR THE USE OF IMAGES OF CHILDREN

Name of Child:

Date of Birth of Child:

Project Name:

Purpose of creating images:

Period which consent is to cover:

Details of member of staff obtaining the consent:

Name of parent/legal guardian consent sought
from:

Date consent sought:

Was consent given? **Yes / No**

In compliance with the Data Protection Act 1998, I have explained to the parent/guardian:

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| | Please delete as appropriate |
|--|-------------------------------------|
| 1. The purpose of taking the photographs or making the video. | Yes / No / Not relevant |
| 2. The images taken may be used in the Plymouth Nursery Schools Federation's literature | Yes / No / Not relevant |
| 3. The images may form part of a video recording or may be incorporated in a CD ROM of photographs and sold to parents of children at the School to raise funds for the nursery. | Yes / No / Not relevant |
| 4. The images may be used electronically and this can be viewed around the world. | Yes / No / Not relevant |
| 5. The period which consent is being sought for (e.g. for the purposes of this project only and will automatically expire after completion of the project). | Yes / No / Not relevant |
| 6. The nursery will not publish the name of a child with an image without the prior consent of the parent/legal guardian. | Yes / No / Not relevant |
| Any other relevant information: | |

Signature of member of staff obtaining consent:

Date:.....