



Tudhoe Learning Trust

**Parental Photography
Advice to Trust Academies**

Parental photography as school events

It is difficult to provide one piece of advice that can be applied to all settings regarding parental photography. This is a problematic area with four contributory factors:

- Parental Freedom - In effect why can't a parent take a picture of their child at an event?
- Privacy - Why should anyone else see an image of my child?
- Safeguarding - Could someone misuse an image of a child?
- Data Protection - The image of a child could be considered as personal data.

Legally this area is covered by the following:

- The parent's right to freedom of expression under Article 10 of the European Convention on Human Rights)
- Privacy issues/breach of the child's right to respect for private life under Article 8 of the European Convention on Human Rights)
- Obligations to safeguard the welfare of pupils (in accordance with the Education Act 2002)
- Data protection (Data Protection Act 1998)

It should be noted that these legal areas can appear to be contradictory and little case law exists to provide guidance.

Freedom of Expression and Privacy Issues

The issues of freedom of expression and privacy need to be considered before the event. If possible it would be helpful to obtain a consensus around the school community about the use of parental photography. Parents should be made aware of the rules on parental photography both prior to and immediately before the event. Parents should have an opportunity to either approve or deny permission for their child to be photographed by other parents at an event, this could either be consent assumed (Please contact the school if you have any objections) or consent obtained (Please return this slip). Schools need to consider the needs of looked after children when their identity may need to be concealed, as this may affect the options available.

Social Media

Uploading pictures to social media causes further complications. A parent publically sharing images with no controls on privacy would probably be a breach of data protection rules, but sharing with close friends on a site probably isn't a breach of data protection. Given that many parents may not be fully aware of privacy issues providing advice may well be useful. This could form part of the ticket or information about the event, as well as being explained at the start of the event. Some example points from Ken Corish are included.

Possible information for parents regarding sharing on social media

We think you should be able to celebrate your child's performance by taking photographs to remember the event. If you do then we ask that if you share them on social media, then only do so with immediate family and not publicly.

If you don't know how to do this then contact school and we'll be happy to show you how.

We will challenge any public publishing of our students' images that comes to our attention if we feel it doesn't meet our safeguarding obligations.

Remember, there might be children alongside your child who are vulnerable to having their image distributed. If there are, we will let you know of the precautions you need to take.

(Advice from Ken Corish, Online Safety Manager at SWGFL)

Safeguarding

Current advice is that children should be photographed in “Appropriate Dress” although there is limited guidance on what that is! We would advise no photographs in swimming costumes, and no photography by anyone when children are getting changed. Helpers may need to be made aware of the “No Cameras” rule when children are getting changed.

Data Protection

Photographs or videos taken for personal use do not come under the remit of the Data Protection Act, however if the school is taking photographs or video for parents and either selling copies, or giving them away this does fall under the remit of the Act, and should fit within the schools Data Protection policy.

Different School Approaches

Depending on the event schools could choose from any of the different approaches outlined. It would be wise to seek approval from governors for whichever policy is used.

Approach	Description	More detailed guidance
1. Ban	No Parental Photography	<ul style="list-style-type: none"> Schools taking this approach may want to photograph the event themselves and then sell or provide copies for parents. This also allows schools to exclude pupils from images where consent has not been obtained for photography. The Headteacher may want to speak to parents at the start of the event explaining that privacy issues make it impossible for parents to film, but that the school will provide copies of official photographs after the event. The school may include details of the advice on parental photography on the tickets or information about the event. The school may need to consider what actions to take if a parent deliberately ignores the advice.
2. After the event	Parents are requested to only take photographs of their children at the end of the event.	<ul style="list-style-type: none"> Schools taking this approach may want to photograph the event themselves and then sell or provide copies for parents. This also allows schools to exclude pupils where consent has not been obtained for photography. The Headteacher may want to speak to parents at the start of the event explaining that privacy issues make it impossible for parents to film, but that the school will provide copies of official photographs after the event and that they can photograph their own children after the event. The school may include details of the advice on parental photography on the tickets or information about the event. The school may need to consider what actions to take if a parent deliberately ignores the advice. The school may need to make an arrangement so that any child that cannot be photographed is removed from the event before photography is permitted.
3 Permission needed	Any parent wishing to photograph or video the event obtains permission BEFORE the event.	<ul style="list-style-type: none"> Any parents requesting permission to film must sign to state they will comply with the school guidance relating to uploading images on social media sites. This should be kept and recorded. Parents filming may be seated in specific places (At the back to prevent obstructing others views) The school may include details of the advice on parental photography on the tickets or information about the event. Parents of all children need to be informed that the event may be filmed by other parents for personal use. This could either take the form of specific permission or assumed consent. This needs to be done prior to the event. The school needs to consider how it will deal with families that do not give consent. This could

		<p>either be by stopping the child taking part in the final performance, or by implementing a ban on photography at the event.</p> <ul style="list-style-type: none"> The school may need to consider what actions to take if a parent deliberately ignores the advice.
4 Consent obtained	All parents of pupils taking part in the event give written permission for photography.	<ul style="list-style-type: none"> Parents of all children need to be informed that the event may be filmed by other parents for personal use. This will take the form of specific permission on a slip returned to the school. This needs to be done prior to the event. The school may include details of the advice on parental photography on the tickets or information about the event. This may include specific advice on not sharing pictures on social media. The school needs to consider how it will deal with families that do not give consent. This could either be by stopping the child taking part in the final performance, or by implementing a ban on photography at the event. The Headteacher may want to speak to parents at the start of the event explaining that privacy issues mean parents have a reasonable right to privacy, and that photographs taken should not be shared widely on social media.
5 Consent Assumed	All parents of pupils taking part in the event receive information about filming, and no objections are received from parents.	<ul style="list-style-type: none"> Parents of all children need to be informed that the event may be filmed by other parents for personal use. This will take the form of reminding parents that if they have any objection to their child being photographed they must inform the Headteacher. The school may include details of the advice on parental photography on the tickets or information about the event. This may include specific advice on not sharing pictures on social media. The school needs to consider how it will deal with families that do not give consent. This could either be by stopping the child taking part in the final performance, or by implementing a ban on photography at the event. The Headteacher may want to speak to parents at the start of the event explaining that privacy issues mean parents have a reasonable right to privacy, and that photographs taken should not be shared widely on social media.

More information about a settings obligations in relation to safeguarding children in an educational setting can be found at:

<https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015>,

By visiting: <https://www.saferinternet.org.uk/>

Or by contacting Kimberley Ivory at office@tudhoelearningtrust.co.uk