



Rugby School

## Images Policy

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September 2021

**Responsibility for updating this policy: Compliance Officer**

**Relevant Legislation and Guidance**

General Data Protection Regulation (2018)

Keeping Children Safe in Education (2020)

Working Together to Safeguard Children (2018)

**Linked Policies**

Anti-bullying Policy

Data Protection Policy

Discipline and Rewards Policy

Guidelines for Life at Rugby School

Staff IT and Communications System Acceptable Use Policy

Student Online Safety Policy

Student Manual

Student Privacy Notice

**Introduction**

**1. Scope:**

1.1 This policy is addressed to all members of staff and available to parents and students on request. The policy relates to the taking, using and storing of images of children:

- on School premises; or
- in connection with School activities; or
- for other legitimate purposes of the School.

It covers the activities of staff, students, parents, and visitors to the School.

1.2 **Images:** this expression in relation to students includes:

- photographs and digital photographs;
- video or film clips;
- images captured by mobile phones or other electronic devices.

1.3 **Taking images:** This expression includes, unless otherwise stated, making, editing, using, exhibiting and storing images of students.

**Policy**

**2. Aims:** The aims of this policy are:

- 2.1. to promote safety and welfare and respect for others;
- 2.2. to ensure a sensible balance between privacy, creative self-expression and routine collating of information;
- 2.3. to comply with the law and good practice without adhering to unnecessary bureaucratic procedures.

### **3. Privacy**

3.1 No person is authorised to take images of children that:

- might cause embarrassment or distress; or
- are associated with distressing or sensitive issues; or
- are unnecessarily intrusive.

If there is any doubt about these matters, the person wishing to take the image must obtain the written consent of the child's parent(s) or, where the child is of sufficient maturity and understanding, the written consent of the child (see 6.3) and of the Designated Safeguarding Lead.

3.2 Filming and photography by television or newspaper journalists will take place only with the consent of the Marketing and PR team and under appropriate supervision. When images are taken for publication by television or newspaper journalists, children will only be named if there is a particular reason to do so (for example if they have won a prize) and home addresses will not be given out. The information will also be checked to ensure that the child's School residence cannot be identified.

### **4. Promotional material**

4.1 It is a term of the contract for educational services which exists between the School and the parents of a student, that photographs of the student may be taken and used by the School in accordance with normal custom and practice. Such custom and practice will include: set piece photographs of the School, House, team, theatre cast and snapshots of School activities. It has also been custom and practice for independent schools to use images of their students for marketing purposes, such as in prospectuses and promotional videos or displays on its website.

4.2 The School's terms and conditions specify that parents who do not want their child's photograph or image to appear in any of the School's promotional material must make sure that their child knows this and must write immediately to the Deputy Head, requesting an acknowledgement of their letter.

### **5. Taking of images by parents and friends**

5.1 Parents and friends often wish to take images of their children at school plays and concerts or sporting activities. Courtesy and good manners require that the following rules are respected:

- Visitors must use their cameras with consideration and confine their photography to the relevant event;
- If visitors ask whether they can take photographs, they should be reminded that whilst it is permissible under the General Data Protection Regulation 2018 to take photographs for personal use, publication of such images (including on personal social networking sites even where access to the image may be limited) may be unlawful;
- Where a play or concert or other event is subject to copyright and performing rights restrictions, visitors will not be permitted to take images, photographs or video film.

## **6. Seeking consent**

- 6.1 Although consent of parent(s) or students is not always a legal requirement, the School will seek express prior consent from students, or of parents if the student is not of sufficient maturity and understanding (see 6.3):
- for public use of portrait style images of individual students;
  - for use of students' images by or with commercial sponsors;
  - where a student wishes to use images of other pupils as part of GCSE or A-level coursework;
  - where the School might receive a payment or other tangible benefit for allowing the use of a photograph, for example, providing a photograph to the media where the student has subsequently become a celebrity.
- 6.2 Where consent is required as above the School will obtain such consent from the student, provided that the student is of sufficient maturity and understanding to provide consent. If not, consent will be sought from at least one parent (see 6.3).
- 6.3 All Rugby School students will normally be considered to be capable of giving or withholding consent.
- 6.4 Should a child or parent decide at any time the child is at the School that they do not wish photographs or images of them to be used in any of the School's promotional material they have the right to withdraw their consent and should advise the Deputy Head of this.

## **7. Photographs as part of student records**

All students are required to supply a passport-style photograph at the beginning of each academic year which forms part of the student's personal record. The School takes photographs of individual students at the start of their school career for use of their school record and on school identification cards. These images are subject to the General Data Protection Regulation 2018 and will therefore:

- be stored securely;
- not be used for any other purpose without the consent of the student or his or her parent(s) (see 6.3);
- not be shown, copied or given to any unauthorised person.

## **8. Use of cameras, video cameras and mobile electronic devices with camera facility**

- 8.1 Students may only use cameras (of any sort) in lesson times with the express permission of the member of staff in charge and with the permission of those appearing in the image.
- 8.2 Students may only take images with cameras (of any sort) with the express permission of all those appearing in the image. All students must allow staff access to images stored on mobile electronic devices and/or cameras and must delete images if requested to do so. Rights to privacy must be respected and images which could be construed as indecent are prohibited. See also the School's policy on searching and confiscation in the Appendix to the Discipline and Rewards Policy.

- 8.3 Using photographic material of any kind to bully, harass or intimidate others will not be tolerated and will constitute a serious breach of discipline. Appropriate action will be taken in accordance with the School's Anti-bullying, Discipline and Rewards and Student Online Safety policies.
- 8.4 Photographs of any member of the School community are not permitted to be displayed publicly around the school campus unless sanctioned by an appropriate member of staff for official use on notice boards or authorised brochures/posters, and only with the consent of the individual(s) in the image.

## **9. Child protection**

- 9.1 When publishing images of children in school documents or on the website, care will be taken to minimise the risk of such images being modified to create inappropriate or indecent images. The Designated Safeguarding Lead can give specific advice as requested.
- 9.2 Staff will be mindful of child protection issues and will raise concerns with the Designated Safeguarding Lead if they become aware of anyone:
- taking an unusually large number of images;
  - taking images in inappropriate settings such as cloakrooms, toilets or changing areas;
  - taking images of children who are apparently unaware that they are being photographed or filmed.
  - contravening the guidance in this policy or other Rugby School policies in any way.

## **10. Taking of images of students by staff**

- 10.1 It is permissible for staff to take images of students using their own electronic devices as long as the following procedures are followed:
- 10.1.1 the images must be uploaded to social media or to a shared photo site accessible to other staff or to a Rugby School shared server visible to the IT Services Department as soon as is practicable. The images must then be removed from the member of staff's device. If for any reason this is not possible, the Designated Safeguarding Lead must be informed.
- 10.2 Images including groups of students taken on school trips or other activities, for example team photos or photos including well-known tourist attractions or memorable trips, may be kept by members of staff so as to provide a memento of the trip, as long as these images, or possession of them, would not constitute a child protection concern for the Designated Safeguarding Lead.
- 10.3 The Designated Safeguarding Lead must be consulted if there is any doubt about taking or keeping images of children. The Designated Safeguarding Lead's decision on these matters will be final.

**11. Recording images of students and staff in lessons**

- 11.1 Rugby School is piloting the use of lesson capture technology. The lesson capture technology consists of a discrete but not hidden video camera, which takes a 360 degree ball of video, a microphone and server. This video is stored on the server and is automatically deleted within 7 days. There is the facility to export footage. This is permissible for the purposes of staff development on the provisos it complies with the School's images policy and the terms below.
- 11.2 All teachers who teach in the room with a camera installed will have access to the video footage. Teachers will volunteer to have a camera in their room and no teacher will be required to teach in a room in which a camera is installed. The Deputy Head and the Designated Safeguarding Lead will have access to the recorded material, without needing permission from anyone else, to ensure compliance with this policy and with other School policies. The Deputy Head and Designated Safeguarding Lead will not access the recorded material for any other purpose and the recording will not be used as part of a teacher appraisal unless with the written permission of the teacher concerned.
- 11.3 The footage captured by lesson capture is accessed via a password. This password will be made available to the Deputy Head and the Designated Safeguarding Lead. The recorded material will not be accessed by other members of the Senior Management Team without the prior permission of the teacher in the recording.
- 11.4 Footage of students obtained through lesson capture will not be used for publicity or marketing purposes.
- 11.5 No content should be shared with any party outside the school without written consent from the Deputy Head.
- 11.6 No footage should be exported and stored on media which is not approved and owned by the School.
- 11.7 Teachers must ensure all students in the class are aware of the camera and that it is always on. They should make it clear that the technology is a tool to help with teacher development. Students may not reasonably withhold their permission to be recorded.
- 11.8 Each classroom with the lesson capture technology installed will have a sign on the wall explaining that the camera is in operation.
- 11.9 The teacher who taught the lesson may playback some extracts to the class to review the lesson and to assist in the learning of the class. Teachers should avoid using any footage which might cause embarrassment or distress or footage which is unnecessarily intrusive.
- 11.10 On occasions teachers may wish to show some footage to colleagues for the purpose of professional development. They may do so providing it complies with the School's images policy.
- 11.11 The lesson capture technology will not be used for the purpose of sanctioning students for poor behaviour in class, except if the safety of another student is in question. A decision to sanction a student in such a case would be made only by the Deputy Head.
- 11.12 Private conversations and meetings should not be held in a room where the lesson capture technology is present.
- 11.13 At the Teacher's discretion, lessons via Microsoft Teams may also be recorded by the teacher. Students are not able to record the lesson. Lessons may also be recorded for students engaged in distanced learning. eg where there is a significant time difference or where the student is unwell and unable to access the lesson at the time when it takes place. Students participating in the lesson or those who are provided with access for the above reasons, will have access to the recording for 7 days, only the teacher will have access after this time. A link

to the recording can be shared, but recipients of this link do not have the ability to download the recording.’

Students participating in the lesson will have access to the recording for 7 days, only the teacher will have access after this time. All meeting participants are informed when a recording starts and ends.

**12. Review**

- 12.1 This policy will be reviewed as necessary taking into account changes in legal requirements.

**Authorised Compliance and Risk Committee:**

22 September 2021