

Personal device usage in School



Black Firs School

Black Firs School acknowledges and recognises safeguarding concerns around Staff taking pictures of children using their own personal mobile device. Whilst this happens very rarely, there may be occasional use, so this policy gives clear guidance about using personal mobile devices and the broader issues around taking photographic images of children by members of Staff. The policy is readily available to children and parents via School website. It covers the circumstances in which children may be photographed by the School, what those photos may be used for and how those images will be stored.

Whilst it is not against the law for School staff to take photos of children using personal mobiles, the Safer Working Practices Guidance for Adults who work with Children in Education Settings (*October 2015*) discourages the use of personal devices. There is no requirement for Staff to use personal mobile devices and it is discouraged, particularly in the Foundation Unit if other School devices are readily available. At Black Firs we are mindful that technology changes rapidly; many devices now, including cameras, have links to social media accounts. We recognise, therefore, that it's not the liability of the device but the responsible use of the owner which needs outlining.

The safeguarding issue to be highlighted here is that it's about the appropriateness of the photos & videos being taken and stored rather than the device being used. We need to be careful of not being Luddite technophobes. Safeguarding is *action taken to promote the welfare of children & protect them from harm*; it's not about banning technology but about making it safe to use. As technology improves and personal devices become more prevalent, we want to ensure our Policy keeps up to date and embraces the Bring Your Own Device, BYOD guidelines. Please see separate BYOD policy.

Photography, videos and other images

Many educational activities involve recording images. Firstly, these may be undertaken to provide records for assessment or of evidence of an activity. Such photos would be managed and stored confidentially & securely; we now use [Earwig](#) all children are part of this. Secondly, other uses of photographs, for displays, publicity, to celebrate achievement, parents are asked for permission. Photographs & videos should *not be used* in this second type, if parents have not given permission. A range of permissions are sought for internal and external – website, social media, press. These are reported to Staff termly via email 'Images of Children' lists.

No Staff member is obliged to use their personal device. There is plenty of access to School devices – iPads, tablets, surfaces & cameras – still & video. Under most circumstances these will be sufficient to record images for use in School. There may be *exceptional circumstances* when these devices are not available; usually outside of School at a sporting event or other impromptu occasion. In these situations, it may be appropriate to use a personal mobile device. The issue is always **about the appropriateness of the photo being taken.**

Following these simple rules will ensure compliance: -

1. Children cannot be recorded without the parent's permission; *check the 'Use of Images' sheets emailed termly.*
2. The photograph should be relevant to the child and deemed appropriate. Always consider if the picture could be considered *by anyone* to be inappropriate; don't take risks, don't take the picture. *Check where the photo is being taken; could the location be misconstrued? Don't take it. What's in the picture frame? Check the surroundings for any other children which may be in the background.*
3. Never use your personal social media accounts or cloud-storage for storing photos from School.
4. Try to ensure that the image is recorded via the Earwig secure app. That way it is uploaded immediately to the secure cloud-site for everyone to view.
5. Where it is not possible to use Earwig, images should not be stored on any personal device for any longer than is absolutely necessary. *At the first opportunity the photos should be copied to a School network or cloud and then deleted from personal devices.*
6. Pictures & videos should be stored on School based systems – School network drives or School SharePoint or School Cloud storage. They should be open so that any member of Staff can view them.
7. Never link a child's name with a picture of that child; use something like *a member of School Council, member of football team, student from Black Firs, child from yr3 etc.* Never allow the newspapers to collect children's names when they take a photograph.

Staff who use their personal devices should be happy to share the contents of their device if challenged by a line-manager; any refusal will be deemed as a discipline issue.

Parents are always given the opportunity to refuse to consent to their child's image being taken by School for purposes other than internal assessment. If Staff feel it's appropriate to take photos of children on their personal devices, the 'rules' above should be followed. To avoid any potential claims under the Data Protection Act 1998, see Appendix one, Black Firs will ensure parents are aware of this particular permission via policies on the website. The School makes it clear in bullets above, and as a part of the staff behaviour policy, our expectations in relation to the secure storage and management of images captured on personal staff devices.

Further Guidance:

BFS mobile Phone Policy, BFS BYOD Policy, BFS Safeguarding Policy

Appendix one

Advice from the Information Commissioner on the Data Protection Act - Taking Photographs in Schools

https://ico.org.uk/media/for-organisations/documents/1136/taking_photos.pdf

Introduction

The Data Protection Act 1998 (the DPA) is based around eight principles of good information handling. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.

An overview of the main provisions of the DPA can be found in The Guide to Data Protection.

This is part of a series of guidance, which goes into more detail than the Guide, to help data controllers to fully understand their obligations and promote good practice.

This guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the DPA.

Recommended good practice

The DPA is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the DPA should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the DPA does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

Photos taken for official school use may be covered by the DPA and children and students should be advised why they are being taken. Photos taken purely for personal use are exempt from the DPA.

Examples

Personal use:

- ✓ A parent takes a photograph of their child and some friends taking part in School Sports Day to be put in the family photo album. These images are for personal use and the DPA does not apply.
- ✓ Grandparents are invited to BFS school nativity play and wish to video it. These images are for personal use and the DPA does not apply.

Official school use:

- ✓ Photographs of children or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the DPA will apply.
- ✓ A small group of children are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the DPA as long as the children and /or their guardians are aware this is happening and the context in which the photo will be used.

Media use:

A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the DPA.

More information

Additional guidance is available on our guidance pages if you need further information on other parts of the DPA. This guidance has been developed drawing on ICO experience. Because of this it may provide more detail on issues that are often referred to the Information Commissioner than on those we rarely see. The guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner,

Tribunals and courts.

It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances. If you need any more information about this or any other aspect of data protection, please contact us, or visit our website at www.ico.org.uk.

Appendix two

Advice from Safeguarding in Schools from their 'Guidance for safer working practices':

<http://www.safeguardingschools.co.uk/wp-content/uploads/2015/10/Guidance-for-Safer-Working-Practices-2015-final1.pdf>

24. Photography, videos and other images

(Guidance for safer working practice for those working with children and young people in education settings October 2015)

Many educational activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of children at or on behalf of the school or setting.

All settings should have arrangements with regard to the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc. and arrangements for the use of these by both staff, parents and visitors.

Whilst images are regularly used for very positive purposes adults need to be aware of the potential for these to be taken and/or misused or manipulated for pornographic or 'grooming' purposes. Particular regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place. Children who have been previously abused in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff should

This means that staff should:

- ✓ adhere to their establishment's policy
- ✓ only publish images of children where they and their parent/carer have given explicit written consent to do so
- ✓ only take images where the child is happy for them to do so
- ✓ only retain images when there is a clear and agreed purpose for doing so
- ✓ store images in an appropriate secure place in the school or setting
- ✓ ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose
- ✓ be able to justify images of children in their possession
- ✓ avoid making images in one to one situations

This means that adults should not:

- ✓ take images of children for their personal use
- ✓ display or distribute images of children unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)
- ✓ take images of children using personal equipment
- ✓ take images of children in a state of undress or semi-undress
- ✓ take images of children which could be considered as indecent or sexual
- ✓ remain sensitive to any child who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of children will require the age appropriate consent of the individual concerned and their parents/carers. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the setting have access.

For the protection of children, it is recommended that when using images for publicity purposes that the following guidance should be followed:

- ✓ if the image is used, avoid naming the child, (or, as a minimum, use first names rather than surnames)
- ✓ if the child is named, avoid using their image
- ✓ schools and settings should establish whether the image will be retained for further use, where and for how long
- ✓ images should be securely stored and used only by those authorised to do so.