



Photography Policy

This policy document outlines the procedures for the safe use of photos and other electronic images of learners at Productive Learning UK Limited.

This policy should be read in conjunction with the following policies:

- Safeguarding (child protection).
- Data protection.
- Complaints.
- Freedom of information (GDPR)
- Social networking.

The Photography policy is designed to:

- Ensure that learners are safeguarded with respect to photos and other electronic images taken at Productive Learning UK Limited.
- Outline the procedure for staff/volunteers to follow when dealing with or handling photos of learners.
- Explain the procedure to parents, guardians, and stakeholders of learners at Productive Learning UK Limited.

Legal Framework

The Data Protection Act 1998 is relevant, Productive Learning UK Limited operates within this framework:

http://www.ico.gov.uk/for_organisations/data_protection.aspx

Productive Learning UK Limited needs and welcomes positive publicity. Learner's photographs add colour, life and interest to articles promoting our activities and initiatives.

Making use of photographs in our publicity materials can increase learner motivation, staff morale, and help parents/guardians, and stakeholders/agencies identify and celebrate the provisions achievements.

However, photographs must be used in a responsible way. We need to respect your people's and parent's rights of privacy and be aware of potential child protection issues. As a learning provision, we always aim to protect our learners, but need to balance the potential risks against the advantages of promoting the provision in a colourful and attractive way.

Risks can be minimised by following the guidelines in this policy and in securing parental/agency consent for the use of photographs.



This document provides guidance on the appropriate use of images of learners in our provision. It covers still, video, and electronic photographic images wherever they are used.

The guidance is for staff, parents/guardians, stakeholders/agencies, and any other people visiting Productive Learning UK Limited who wish to use images of children and young people in the provision.

We need to make full and proper use of photographic images whilst conforming to legal requirements and preserving the safety of learners. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address these issues and give advice on good practice.

Typical Uses of Photographs at Productive Learning UK Limited

- Use in learning portfolios for retention by learners/agencies.
- Media use, including newspapers and television.
- Displays in Productive Learning UK Limited's learning facilities of learners' activities.
- Publications by Productive Learning UK Limited.
- Productive Learning UK Limited's website.
- Staff training and professional development activities.

Child Protection Issues

Risks can occur when individual learners can be identified in photographs. Providing the name and photograph of a learner in publications or on a website can lead to child protection issues and could make a child vulnerable to abuse. If Productive Learning UK Limited becomes aware of any such issues, these will be treated as serious and dealt with as per the procedures outlined in the Safeguarding (Child Protection Policy). As detailed herein, permission from parents/guardians or associated agencies will be sought before allowing photographs and/or a learner's name(s) to be published in any form. The Director of Productive Learning UK Limited will decide whether the publication of a photograph could pose a risk to a learner.

Data Protection Act and Productive Learning UK Limited Events

In accordance with information from the Data Protection Commissioners Office. 'Photographs taken purely for personal use are exempt from the Data Protection Act.' This means that parents, friends, guardians, and family members are permitted to take photographs of their child and friends participating in learning activities for the family album and are also permitted to film events held at Productive Learning UK Limited.

Photographs taken by the media are also usually exempt from the Act. If there is any doubt, if permission is sought by the photographer, this will normally be enough to ensure compliance.



Data Protection issue can arise where photographs are taken for official use, e.g. identity passes, and the images are then stored with personal data (names). In such cases permission would need to be sought and information provided relating to security of storage and length of storage. No such images are currently held at Productive Learning UK Limited.

Appropriate Use of Images in Publicity Material

To overcome any issues relating to the use of photographs of a learner, the following guidelines will be followed:

- Parental permission will be obtained – see Appendix 1 attached.
- Ensure that parental wishes are adhered to.
- Avoid naming individual learners in the photograph. When a learner is named, it may be more appropriate to use first names only.
- Only images of learners in suitable dress will be used to reduce the risk of inappropriate use.
- Productive Learning UK Limited will never use an image of a learner who is the subject of a Court Order.
- Whenever possible, establish whether the image will be retained for further/future use.
- Ensure images are stored securely and used only by those authorised to do so.
- Ensure as far as possible that the image is used for its intended use.
- Photographs of learners or staff who have left Productive Learning UK Limited may be used after they have left, in particular, in respect of historic records of past events. However, it is good practice for such photographs to be destroyed periodically (e.g. reviewed on a three yearly basis).

Use of Photographs/Images on Websites

The use of photographs/images on websites will follow the same rules as already detailed herein. However, Productive Learning UK Limited is aware that there is potentially more of a risk of inappropriate use. Parental permission will include permission for publication on Productive Learning UK Limited's website, and every effort will be made to ensure that learners cannot be identified from the file.

Newspapers

Parental consent for newspaper publicity photographs is vital. Newspapers will usually wish to include the names of learners in photographs they intend to use. Learners will only be named if parental permission is given. When a particular learner is photographed alone e.g. receiving a prize, it is reasonable to expect the newspaper to request the name of the learner, however, contact details will never be issued. Parental permission will always be sought in such circumstances. As long as parental permission is obtained, there is no breach of the Data Protection Act in giving a learner's name to a journalist. The use of photographs



in newspapers is subject to strict guidelines. The Press Complaints Commissions Code of Conduct states that:

- Journalists must not interview or photograph a child under the age of sixteen on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the child.
- Learners must not be approached or photographed while at Productive Learning UK Limited without such permission.

Photo Opportunities

If a commercial photographer is to be used, the Director of Productive Learning UK Limited/Event organiser will, where appropriate:

- Provide a clear brief concerning the terms of the content and behaviour.
- Issue the photographer with identification that must be worn at all times.
- Let learners, parents, and agencies know that a photographer will attend the event and ensure that they consent to both the taking and publication of photographs/films.
- Not allow unsupervised access to learners or one-to-one photo sessions at events.
- Not approve/allow photo sessions outside the event or at the learner's home.

Camera Phones

There are currently no set laws or guidance concerning camera phones.

There are concerns regarding safety, security and well-being of children posed directly or indirectly to children through the use of camera phones.

At Productive Learning UK Limited, it is the view of the Director that we do not allow the use of camera phones at the facility without the permission of the Director of Productive Learning UK Limited.

Parental Consent

Use of images of learners require the consent of the parent/guardian. Permission will be obtained by using the form in Appendix 1 when a learner joins Productive Learning UK Limited. It is the parents/guardian's responsibility to inform Productive Learning UK Limited should they wish to amend their original decision.

When a parent/guardian does not agree to their child being photographed the Director will inform staff and make every effort to comply sensitively.



Ownership

Human Rights legislation and the Data Protection Act 1998 give people new rights, and it is the right to 'privacy' that is the issue when using photographs. Productive Learning UK Limited will take steps to respect the rights of people in photographs.

The Copyright, Designs, and Patents Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise.

Staff Training and Portfolios

During staff training and with newly qualified staff, colleagues need to compile portfolios with photographs of learners during sessions. Staff should act responsibly in compiling these images. The Director will oversee the compiled images as part of the management process and consider their appropriateness.

Displays at Productive Learning UK Limited

Still photographs shown on displays and video clips available during open evenings will depict learners in an appropriate way. They will not display images of learners in inappropriate or revealing clothing to ensure that appropriate levels of integrity and decency are maintained. Photographs or images likely to cause embarrassment will not be used.

Policy Review

This policy will be reviewed regularly in line with legislative updates, and in any event not less than annually.

A handwritten signature in black ink, which appears to read "N. Morris", is written over a horizontal line.

Nicholas Morris
Director – Productive Learning UK Limited



Appendix 1 – Parental Consent Form

Photographs

I understand that Productive Learning UK Limited may take photographs/videos of my child taking part in learning activities for the purposes of assessment, record keeping and/or publicity, including publication in the local press or on the website of Productive Learning UK Limited. Please see examples below:

- Photographs/video to be made of my child for use as a personal record of their achievements.
- Photographs/video made of events at Productive Learning UK Limited for assessment, record keeping or use in their brochure.
- Photographs/videos made of events at Productive Learning UK Limited which may be published (without names) by local press.

Photographs/video will only be published in accordance with all our related policies.

I agree to this unless I provide a letter indicating clearly that I do not wish this to occur, which will be held on my child's file.

Signed: _____

Name: _____

Date: _____