



THOMAS'S POLICY GOVERNING THE USE OF PERSONAL AND OTHER DEVICES FOR FILMING AND THE TAKING OF PHOTOGRAPHS

1. BACKGROUND

We recognise that new technologies have become integral to the lives of adults and children in today's society. At the same time, a proliferation in the use of personal devices brings some challenges in the areas of safeguarding, privacy law, wellbeing and good, old-fashioned manners.

This document provides guidance which is intended to take a common-sense approach towards assisting parents to build up a record of their children's school days, whilst keeping pupils safe in our schools, respecting the privacy of others and abiding by the law of the land.

This guidance should be read in conjunction with the schools' relevant policies, including those on safeguarding, data protection, confidentiality, ICT (acceptable use) and online safety.

2. EXECUTIVE SUMMARY

To comply with the law, our guiding principle is as follows, regarding the use of personal mobile devices, cameras or any other device to film or to take photographs in school or at school events:

No photograph or film taken in school may be published (this includes on any social media platform such as Instagram, Facebook, Twitter, YouTube or Vimeo – regardless of privacy settings – or in any other way) without the explicit consent of each person recorded and, in the case of a child, without the explicit consent of their parents.

In addition, there are several school events, listed below, at which parents are asked not to film or take photographs, for reasons of good manners, courtesy to others and to suit the occasion.

3. THE LEGAL FRAMEWORK

The laws which govern this area are complex and evolving. They include the law of Confidentiality, Article 8 of The Human Rights Act and the Data Protection Act (the General Data Protection Regulation from May 2018). These laws protect a right to privacy and include the right to protect one's image. The privacy of children, most especially on school premises, is particularly robustly protected.

In simplistic terms, it is not against the law for parents to take pictures or film of their child in a school. Advice issued by the Information Commissioner's Office (ICO) states (rather quaintly) that the Data Protection Act (DPA) does not apply in the case of a parent who takes a photograph of their child and some friends taking part in the school Sports Day, which is "to be put in the family album" (Taking Photographs in Schools, Version 4.1, ICO).

However, legal issues arise where such a photograph or film is published, for example on any social media platforms (such as Instagram, Facebook, Twitter, YouTube or Vimeo – regardless of privacy settings), or in any other way, without the explicit consent of every person recorded or, in the case of a child, without the explicit consent of their parents.

It is for this reason that many schools have taken the approach of a 'blanket ban' on the use of cameras (and therefore of all mobile phones and personal devices) in school.

4. COURTESY AND CULTURE

Whilst there is no firm legal basis on which to prevent parents from filming or taking photographs of their own children in school, there are occasions when it is desirable to do so, for reasons of good manners, courtesy to others (a core value of the school) and to suit the occasion.

For example, the schools pride themselves on the quality of their performing arts. Many hours go into rehearsal and much care, time and expense is dedicated to giving both cast and audience members an authentic theatrical experience.

Such an experience can be seriously undermined for a member of the audience who is distracted by a parent one or two rows in front using a mobile phone or, worse, a tablet, to take their own footage of a production – particularly when the same production has already been professionally recorded.

Similarly, the schools' Carol Services are religious services, in line with the schools' Christian ethos. It is not appropriate for members of the congregation to disturb others and detract from the service by, for example, filming the choristers on such an occasion.

Culturally, in terms of the education of our pupils and the values which we would like them to acquire, we believe that there are important lessons to pass on about the appropriate use of personal mobile devices. By setting an example as adults, we hope that our pupils will also acquire discernment about when the use of personal devices may and may not be appropriate.

5. RELATIONSHIPS AND WELLBEING

The schools embrace technology and invest heavily in human resources, hardware and software, in order to enhance teaching and learning, to improve the efficiency of our administration and to equip our pupils with the technological skills and knowledge which they will need in the lives that lie ahead of them.

At the same time, we seek to educate all members of the school community about the potential pitfalls of unregulated 'screen-time', the detrimental impact which can be caused to relationships

and wider mental health issues which can be associated with an over-reliance on technology and social media. This, in part, led to the schools' establishment of a formal, Outdoor Learning curriculum in 2016.

We would therefore like all members of the school community to develop a sensitivity and an awareness about the time, location and volume of their use of personal devices and of its impact on others around them. At the moment of parents greeting their child at the end of the day, for example, we fully support the adage to "Greet your child with a smile, not a mobile."

6. IMPLEMENTATION AT THOMAS'S

With all this in mind, we take the following approach to the use of personal devices at Thomas's:

As stated above, to comply with the law, our guiding principle is as follows:

No photograph or film taken in school may be published (this includes on any social media platform such as Instagram, Facebook, Twitter, YouTube or Vimeo – regardless of privacy settings – or in any other way) without the explicit consent of each person recorded and, in the case of a child, without the explicit consent of their parents.

The observance of this principle relies on trust between all members of each school's community. A breach of this principle is a breach of the law and therefore of the ethos of the school. It will therefore be regarded as a serious breach of the schools' terms and conditions (paragraph 65), which could ultimately result in a pupil's removal from the school.

Thereafter, a distinction is made at Thomas's between arrival and dismissal, the normal course of a day at school and school events, as follows:

6.1 Arrival and dismissal

Given the volume of people, it is not practicable to try to remove parents' mobile devices on arrival or at dismissal, nor do we have legal grounds for doing so. Parents and carers may therefore bring their devices into school at these times.

For the sake of courtesy and safety, calls should not be made or taken in busy areas of the school, such as in corridors or hallways.

6.2 Normal day

Between arrival and dismissal, during the normal course of the day – from 0845 to 1515 – restrictions are placed on the use of personal devices in school, as follows:

6.2.1 Pupils

Pupils in the older years in each school who can demonstrate a clear need for a mobile phone (such as for security when walking to and from school) may bring one into school.

Each school requires that pupils' phones are either handed in to School Office at the start of each day or kept, switched off, in school bags in classrooms and not brought out or used on school premises or used during the school day.

6.2.2 Staff

For members of staff, their use of personal mobile devices is governed by the schools' ICT (Acceptable Use) Policy. This prohibits the use of personal devices in the presence of children.

6.2.3 Visitors

The schools make a distinction between 'external' visitors (those who are not members of the school community and are not therefore bound by its terms and conditions) and 'internal' visitors (current members of the school community). Between 0845 and 1515 where schools have the facility (currently Thomas's Battersea from September 2017), when they sign in on entry, any external visitor is required to place their mobile device in a locked cabinet. They retain the key to the cabinet and retrieve their device as they leave the school. Where schools do not have this facility, external visitors are bound by specific instructions which prohibit the taking of any film or photographs. 'Internal' visitors to the schools are bound by this policy.

6.3 School Events

We realise that there are a number of school events, of which parents are likely to want to keep a visual record if their child is involved, for posterity or, for example, to share with relatives. The school makes a distinction between formal events and informal events, as follows:

6.3.1 Formal events

At formal events, film and photography is not permitted. Announcements will make it clear which events are deemed to be formal. They include the following:

School productions

An official school photographer takes photographs in rehearsal and each production is filmed by an external film company. These photographs and film are made available to parents soon after each event and may be purchased for parents' private use, **but not for publication**, without consent.

For the reasons of courtesy and good manners given above, parents may not therefore use their own cameras or devices to record school productions. Any member of the audience doing so will be asked to desist. Personal devices may not be used in professional venues such as theatres or concert halls. The same standards apply at school.

Church services and Carol Services

Given their religious nature and venues, it is not appropriate for film or photographs to be taken of the schools' weekly church services or annual Carol Services by members of the congregation. Parents may not therefore use their own cameras or devices and any member of the audience or congregation doing so will be asked to desist. The official school photographer takes photographs of Carol Services in rehearsal and may do so discreetly

during the service. These photographs are made available to parents after the event and may be purchased for parents' private use, **but not for publication**, without consent.

6.3.2 Informal events

Many informal events take place throughout the school year. Announcements will make it clear which events are deemed to be informal.

Informal events include musical events, class assemblies, Sports Days, sports fixtures and special events such as Book Days and Easter Bonnet parades.

At these events, non-flash photography and film is permitted from a silent camera by parents, provided that this is carried out discreetly, without distracting either the performers, players or members of the audience. For this reason, filming with a tablet is not permitted.

For any photographs or film taken at such events, the guiding principle in paragraph 6 above applies: they may be taken for parents' personal use, **but must not be published** without consent.

7. FILM AND PHOTOGRAPHS TAKEN BY MEMBERS OF STAFF

As described above, teachers' photography of pupils is governed by the schools' ICT (Acceptable Use) Policy. Members of staff may only film or take photographs using school devices (such as school-issued cameras, phones or iPads) and any such photographs may only be used in the course of a teacher's professional duties, such as to create a portfolio of a child's learning journey or for display on a subject board.

Using school devices, teachers may take photographs of pupils at appropriate moments during residential trips. These are then made available to the children's parents as a means of keeping them informed about their children's activities while they are away from home. Parents have the option to request that film or photographs of their child are not published in this way.

An official school photographer is employed by the school to capture images for school use such as in the schools' Bulletin or website. The use of such photographs is covered by the schools' terms and conditions and parents may make it known that they do not wish their child's image to be used:

"Parents who do not want their child's photograph or image to appear in any of the Schools' promotional material must make sure their child knows this and must give formal notice in writing to the Head that they do not wish their child's image to be included and have received written acknowledgement from the School of that notice. "

From time to time the schools receive requests for images for educational and other publications (such as The Good Schools Guide, for example). The schools will always seek explicit permission from parents before releasing any film or photographs of children to third parties.

See also: Code of Conduct, Confidentiality Policy, Data Protection Policy, ICT Acceptable Use Policy, Online Safety Policy, Safeguarding and Child Protection Policy

This policy will be reviewed annually		
Created: June 2017	By:	Ben Thomas, Principal
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