

PERSONAL DEVICES AND PHOTOGRAPHY POLICY

This policy will be reviewed annually or in response to changes in legislation		
June 2017	January 2020	Principal
Last Review	August 2022	Digital Leads, Compliance Manager
Approved	September 2022	Principals and Heads
Next Review	September 2023	Digital Leads, Compliance Manager

This Policy applies to all year groups at Thomas's Schools, including the EYFS.

Thomas's London Day Schools operates as a united group of schools with a similar ethos and values and as such is referred to as a singular body.

This Policy should be read in conjunction with Thomas's CCTV Policy, Code of Conduct, Confidentiality Policy, Data Protection Policy, ICT Acceptable Use Policy, Online Safety Policy, Privacy Notices, Safeguarding and Child Protection Policy.

1. INTRODUCTION

We recognise that technology is 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 UK data protection legislation. . 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. The school also has a legal requirement for Early Years pupils under the EYFS Statutory Framework (2021) to state its policy regarding mobile phones, cameras and other devices within the school.

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 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, which could ultimately result in a pupil's removal from the school.

6.1 Parents

- Parents/carers should not contact their child during the school day on the child's mobile phone or device
- Parents/carers should not contact members of staff using the teachers' personal mobile phones
- Parents/carers are reminded that in cases of emergency, the school office remains a vital and appropriate point of contact.
- Parents are also requested not to post images of members of staff on social media platforms

As a general rule mobile phones must not be used by anyone when in the presence of pupils. The following outlines exceptions to this rule.

Drop off and Pick up

Parents and carers may bring their devices into school at these times however mobile telephones should not be used in busy areas of the school, such as in corridors, hallways and the playground except with explicit permission from a member of school staff. They may be used in certain areas designated by each school when pupils are not present or if a call is urgent. Parents should endeavour to ensure all calls are completed before entering the school premises to prevent any misunderstanding.

School Events

We realise that there are a number of school events, where 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:

At formal events, film and photography is not permitted. Announcements and signs 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/ Church events 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. This also applies to any class assemblies or other events held in church. 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.

- Informal events

Many informal events take place throughout the school year. Announcements and signs will make it clear which events are deemed to be informal. Informal events include musical events, class assemblies (held in school), 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.

Parents must follow the expectations outlined in our Acceptable Use Policy.

Whether in school or at an off-site event, mobile devices brought into school are the responsibility of the device owner. The school accepts no responsibility for the loss, theft or damage of personally-owned mobile devices.

6.2 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. Refer to the ICT Acceptable Use Policy and Agreements for further details.

Any pupil found to have a phone with them during the school day will have the phone confiscated in line with the Behaviour Policy.

6.3 Staff

For members of staff, their use of personal mobile devices is governed by the schools' ICT Acceptable Use Policy. Personal phones are prohibited from use in the presence of pupils except in a small number of instances outlined in the ICT Acceptable Use Policy.

6.4 External Visitors

Visitors to the school should not have on display or use their mobile phones in the presence of pupils. External visitors must not take any photographs or videos of pupils unless they have explicit written permission from the Head prior to their visit.

At Thomas's Battersea, when pupils are onsite, external visitors (with the exception of those who require their phone to facilitate their visit) are 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.

7. FILM AND PHOTOGRAPHS TAKEN BY MEMBERS OF STAFF

Teachers' photography of pupils is governed by the schools' ICT Acceptable Use Policy. Members of staff should 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, for display on a subject board or for presentation and celebration purposes around the school.

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.

When pupils are at Thomas's Daheim, photos and films may be shared with the parents of those children through an Instagram account. This is kept private and the account is closed at the end of that year's trips. Details of how this account is run can be found in Appendix 3.

Official photographers are used by Thomas's to capture images for school use, such as TomCom and the Thomas's website. These photographs are taken in accordance with our acceptable use guidelines. The Everyday and Production photographs can be downloaded at no charge through the TomCom app.

An in-house school photographer takes individual, class and sibling photographs, all of which can be purchased through the TomCom app.

Parents are required to sign an online consent form giving permission for pupils' digital images to be used for different purposes. Until they have done this it must be assumed that no permission has been given.

Members of staff can also opt out of having their image on Social Media and should inform the Digital Lead at their school.

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 pupils to third parties. (See Appendix 2).

8. USE OF PHOTOGRAPHS ON SOCIAL MEDIA FOR SCHOOL PURPOSES

When using social media, for the privacy and protection of all pupils and adults, members of staff are vigilant and follow the agreed procedures outlined in the ICT Acceptable Use Policy.

Particular care is taken when using images for external purposes such as the school website, Instagram, Twitter feeds etc so that it is not possible to identify pupils by name or other personal information. The feeds are also monitored so that any comments are removed should they identify a pupil in any way.

9. LEGISLATION AND GUIDANCE

This Policy bears due regard to the following statutory guidance and other advice.

The Human Rights Act

Data Protection Act 2018

UK General Data Protection Regulation

DfE EYFS Statutory Framework (2021)

10. APPENDICES

Appendix 1: Parent/Guardian permission from for external publicity photographs

Appendix 2: Instagram Guidelines for Thomas's Daheim

APPENDIX 1: PARENT/GUARDIAN PERMISSION FORM FOR EXTERNAL PUBLICITY PHOTOGRAPHS

I give permission for:

..... (child's name)

in (form)

to have their photograph included with publicity material for:

..... (company or organisation name)

I understand that my child's name will not be used in connection with the photographs or if, for any reason this is required, additional permission will be sought.

Signed: (parent or guardian)

Printed name:

Date:

APPENDIX 2: INSTAGRAM GUIDELINES FOR THOMAS'S DAHEIM

INTRODUCTION

The purpose of Instagram use is the following:

- To enable parents of pupils at Thomas's Daheim to see what their children are doing.
- To celebrate achievements and events that happen at Thomas's Daheim with a wider audience.

We have chosen to make the Instagram account private, hence all followers will need to be accepted in order to view the posts. Parents will need to request to follow the account by searching for the username according to school: Batterseadaheim, Claphamdaheim, Fulhamdaheim, Kensingtondaheim.

PROCEDURES

Some parents may have unrecognisable usernames and will need to email the Thomas's Outdoors Coordinator on daheim@thomas-s.co.uk in order to confirm their Instagram identity. They will use iSAMS to verify each request and only parents / guardians and Thomas's staff are to be accepted. No other users are to accept followers. The use of Instagram in this way will be in line with the Thomas's Personal Devices and Photography policy and will need to be reviewed at the same point this policy is reviewed.

The following, taken from the above policy must be adhered to:

- Pupils must not be named
- Only images of pupils in suitable dress are used

In addition:

- No photos of staff should be posted, unless their consent has been given.
- No photos of pupils in swimming clothing should be posted.
- Photos or videos of pupils should always be groups, not individuals.
- Text speak should not be used.
- Photos for the Instagram feed should be taken using work-provided equipment as a general rule. However there may be times that, with the permission of a member of the Senior Leadership Team, personal devices may be used for this purpose. All photographs thus taken will be downloaded to school storage and deleted from the device and any related back up or storage at the end of the trip (in accordance with the ICT Acceptable Use Policy).
- Any music used in video content will be open source and in the public domain.
- Hashtags may be used to connect to our closed group of Instagram users to highlight events, with an educational purpose, e.g. What a fantastic morning for archery and bear hunting! #daheimarchery.

A limited number of people have admin rights and may change the settings within the Instagram account, as well as post pictures.

- Paul Wild (admin - may change settings).
- Thomas's Outdoors Coordinator (admin - may change settings).

In addition, one named person on each school trip may post pictures on the account. Other staff at Thomas's Daheim should send the named person for their trip suitable pictures for posting.