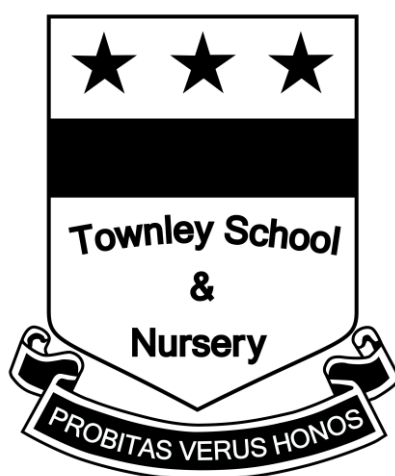




Townley School and Nursery Policy Front Sheet

POLICY DOCUMENT	Use of Images and Mobile Devices
Policy Number	45
Type of Policy –	Statutory
Governor Committee	Full Governing Body
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Chair of Governing Body signature	
Publish on School Website	Yes
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Supporting documents if applicable	

Use of mobile phones and other smart devices in school Policy



Townley School and Nursery

December 2024

1.0 Introduction and aims

It is widely recognised that many children have access to personal communication devices including mobile phones, smart phones and smart watches. Children using these devices are likely to have unlimited and unrestricted access to the internet via mobile networks such as 4G and increasingly 5G, Airdropping and 'Nearby Share' (see Annex 1 for more details). For many these devices can provide security and reassurance; however there also associated risks. Safeguarding of children within the school is paramount.

Effective guidance is in place to avoid the use of mobile, smart phone and smart watches causing unnecessary disruptions and distractions within the workplace, and to ensure effective safeguarding practice is promoted to protect against potential misuse.

The terms 'phone' or 'mobile phone' in this guidance denotes mobile phones, smart phones, airpods, iPods, iPads, MP3 players, MP4 players and smart watches.

1.1 The guidance aims to:

- Set out clear guidance for the use of mobile phones for staff (including supply staff), pupils and volunteers
- Set out clear guidance visitors and contractors
- Ensure robust safeguarding
- Support schools' other policies relating to child protection and behaviour

2.0 Staff responsibilities

All staff (including teachers, support staff, and supply staff) may wish to have their personal mobile phones at work for use in case of emergencies, however, there is a clear expectation that all personal use is limited to areas and times when there are no children present or likely to be present.

2.1 All staff:

- The school expects staff to lead by example and therefore should not make or receive personal calls, or texts (via mobile phone or smart watch), whilst children are present or during contact time.
- Staff (including volunteers and supply staff) should only use their mobile phones and smart devices for personal contact in designated areas such as a staff room.
- Other than in agreed exceptional circumstances, mobile phones, smart watches should be switched off or on silent and left in staff lockers or school office away from children.
- For both staff and pupils, the school retains no liability for any device that is brought into school which is either lost, stolen or damaged
- For both staff and pupils, the school retains no liability for any device that is used in a manner that is against the owners consent.
- Staff, students or volunteers who ignore this policy and use a mobile phone or other technological device on the setting premises without permission may face disciplinary action.

2.2 Safeguarding

- Staff should not contact pupils or parents from their personal mobile phone in or out of school time or give their mobile phone number to pupils or parents. If a member of staff needs to make telephone contact with a pupil, a school telephone should be used.
- Staff should not share personal contact details through social media and messaging apps.
- Staff should regularly monitor and update their privacy settings on social media sites
- Staff should never accept a 'friend request' or respond to any posts that may deliberately or inadvertently include them but inform their line manager or Senior Leader of the contact
- Staff should never send to, or accept from, colleagues or pupils, texts or images that could be viewed as inappropriate
- Staff are not permitted to take photos or videos of pupils or anything else (e.g., work) that might identify the pupil.
- If photos or videos are being taken as part of the school curriculum or for promotional purposes then school equipment must be used. Staff should not allow themselves to be photographed by a pupil(s).
- The setting's main phone number can be used for emergencies.
- Where there is a suspicion that the material on a mobile phone or technological device may be unsuitable and may constitute evidence relating to a criminal offence, The 'Allegations of Abuse' process will be followed (please refer to the setting's 'Safeguarding and Child Protection Policy').
- Only the camera and other technological devices belonging to the setting may be used to take appropriate and relevant images of children, i.e. observations, photographs of setting events and off-site trips.
- Images must be used in accordance with the UK GDPR and Data Protection Act 2018.
- Where there is a safeguarding concern where abuse is suspected, the setting should not take images of a child's injury, bruising or similar even if requested by Children's Social Care. (Guidance for safer working practice for those working with children and young people in education settings, February 2022). The 'Log of Concern and Body Map' must be used to record all factual observations where abuse is suspected.

2.3 Using a personal mobile for work purposes

In some circumstances, it may be appropriate for staff to use a personal mobile phone for work purposes. Where possible this should always be agreed with a line manager or Senior Leader in advance. Such circumstances may include, but are not limited to:

- Emergency evacuations
- Parental contact in emergency's (mobile phones setting that allow for the number not to be identified should be used)
- Outings and off-site visits.

This guidance should be seen as a safeguard for members of staff and the school. Any breach of school policy may result in disciplinary action against that member of staff.

3.0 Pupils:

- Pupils are dissuaded from bringing mobile phones to school.
- If it is deemed necessary for a pupil to bring a mobile phone to school, (e.g., in the case of older pupils because they travel to and from school independently), then the expectation is that the pupil hands their phone into the Headteacher as soon as they arrive at school.
- Smart Watches (those watches that can record images or audio, must not be worn to school. Where a pupils has worn a device to school, it must be stored in the school office.
- For both staff and pupils, the school retains no liability for any device that is brought into school which is either lost, stolen or damaged
- For both staff and pupils, the school retains no liability for any device that is used in a manner that is against the owners consent.

4.0 Parents, visitors and contractors:

Parents, visitors and contractors are respectfully requested not to use their mobile phones at all on the school site/in any area where children/young people are present.

- Should phone calls/and or texts need to be taken or made, visitors are asked to leave the premises to do so.
- The school's main phone number can be used for emergencies.
- Photos of children must not be taken without prior discussion with a member of the Senior Management Team and in accordance with the UK *General Data Protection Regulations (GDPR) and the Data Protection Act 2018* and using the 'Use of images consent form' (please refer to the school's document "*Guidance for schools and other establishments on the use of images*" 2022. Any individual bringing a personal device into the school must ensure that it contains no inappropriate or illegal content.
- Where there is a suspicion that the material on a mobile phone or technological device may be unsuitable and may constitute evidence relating to a criminal offence, The 'Allegations of Abuse' process will be followed (please refer to the setting's 'Safeguarding and Child Protection Policy').
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5.0 Inappropriate or illegal content:

Where there is a suspicion that the material on a mobile phone may be unsuitable and may constitute evidence relating to a criminal offence, the allegations process will be followed (please refer to the school's 'Safeguarding and Child Protection Policy').

- For both staff (including supply staff), pupils, visitors and contractors the school retains no liability for any device that is brought into school which is either lost, stolen or damaged.

- For both staff (including supply staff), pupils, visitors and contractors, the school retains no liability for any device that is used in a manner that is against the owner's consent.

6.0 Use of Images

Collection, storage and sharing of personal data, including photographic images of children and young people, is governed by the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018. Photographic images of children and young people are not automatically considered to be special category personal data.

The use of images can be divided into five categories:

- Images taken by the school which are required for the school to perform its public task;
- Images taken by the school which do not fall under the public task purpose;
- Images taken by parents at school events;
- Images taken by the media;
- Images taken by third parties.

Images taken by school required for the school's public task

Photographs are used in school for many different reasons and it is important that the different uses are considered separately as they may have different conditions for processing.

If the images taken are necessary for the school to perform its public duty, consent is unlikely to be required. Examples may include: photographs taken of a child in the Early Years Foundations Stage for inclusion in their learning journal; photographs taken to enable staff to identify children with medical conditions/dietary needs; photographs taken of a learning task for use on a school display board.

More information can be found in 'Data Protection: A toolkit for schools,' (DfE, August 2018), which gives these useful examples.

- *Photographs used in identity management may be essential for performing the public task of the school, but should be deleted once a child is no longer at that setting, as it is no longer needed for the purpose for which it was held.*
- *Photographs in the school environment relative to providing education may fall under the public task purpose, but after the child has left the school this argument becomes weak and may not be lawful: permission to retain beyond their time in school (if required) should be sought. For example, if the child is in a display showing a scientific experiment being done that you wish to retain as a learning resource for future years.*

'Data Protection: A toolkit for schools', (DfE, August 2018)

Even if consent is not required, consideration still needs to be given to the devices staff use to take images, how such images will be securely stored and the length of time images will be retained for. **Images must be maintained securely for authorised school use only, and destroyed as appropriate when no longer required. All photographs taken at school that need to be used must be uploaded to the TEAMS 'Whole School Photographs' and relevant school year and should be deleted for the school device they have been taken on as soon as reasonably possible (but always by the end of each term) to ensure photographs can be deleted in line with GDPR regulations.**

Care should be taken in relation to particularly vulnerable children such as those who are in public care, recently adopted or those resettled following domestic violence.

Images taken by school not required for the school's public task

If images are taken by the school which do not fall under the public task purpose, then parental consent will be required. Examples include images taken for the school's prospectus, website or social media pages.

- **Photographs used in promoting/marketing type material should seek specific informed consent, and only be used in line with the consent provided.**

'Data Protection: A toolkit for schools', (DfE, August 2018)

A signed consent form should be obtained from the child's parent/carer, and should be kept on the child's file, covering all cases where images of children are to be used. This is collected on the child's admission form and is updated using a Microsoft 'Forms Quiz' annually. **The UK General Data Protection Regulations state that consent must be actively given; i.e. parents have to return a signed consent form rather than consent being assumed and parents returning a form to withdraw consent. It is also necessary that it is made explicit what personal data will be used for, therefore a multiple opt-in form may be required.**

It is important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.

Parents may withdraw/change their consent at any stage, but they would need to do so in writing.

- If the pupil is named, avoid using the photograph.
- If the photograph is used, avoid naming the pupil.

Whatever the purpose of displaying or publishing images of children, care should always be taken to avoid the possibility that people outside the school could identify and then attempt to contact pupils directly. Most abused children are abused by someone they know, but there is still a concern that children might be identified from pictures appearing online and targeted for abuse.

- Where possible, general shots of classrooms or group activities rather than close up pictures of individual children should be used. The camera angles should be considered. Photographs taken over the shoulder, or from behind are less identifiable.
- Children should be in suitable dress, and images of PE or swimming events should maintain modesty, for example wearing team tracksuits if appropriate.
- Children from different ethnic backgrounds should be included in your communications wherever possible, as well as positive images of children with disabilities to promote the school as an inclusive community, and to comply with the Disability Discrimination Act.
- Children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, airbrushing logos should be considered.
- An article could be illustrated by the children's work as an alternative to using an image of the child.

Parents wishing to take images at school events

Increasingly technology is making it easier for images to be misused and it is therefore important that schools take practical steps to ensure that images of children taken by parents and carers are done so in a way that is in accordance with the protective ethos of the school.

Townley Primary School and Nursery, use of mobile phones and other smart devices in school Policy, ratified Dec 24, Policy Number 45.

The Data Protection Act does **not** prevent parents from taking images at school events, but these must be **for their own personal use**. Any other use would require the consent of the parents of other children in the image.

Parents should not use their mobile device in school. Parents are reminded by staff at events such as class assemblies and Story Cafes parents must be reminded by the class teacher (or teacher leading the event) that parents must not take photographs or record.

Occasionally such as a school production parents may be invited to take images in designated circumstances and areas, such as in the school hall and not backstage or in changing rooms. It is important that parents understand their responsibilities for the safe keeping of any images they may take. This would only be with their own child and must not contain other children.

It is also important to ensure that people with no connection with our school do not have any opportunity to produce images covertly. Staff should question anyone who is using a camera, phone or other hand held device at events they do not recognise.

Images taken by the media

There may be occasions where the media take photographs at your school of pupils. It is important that parents and carers are aware of the potential risks and benefits so they can make an informed decision about consent.

It is essential that when considering inviting an official photographer, schools establish the validity of the organisation and what checks/vetting has been undertaken. Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present on the school site.

If a child is photographed by a newspaper, the photo becomes the property of the newspaper and the newspaper has the final say as to how it is used. (N.B. images can be placed by editors on the newspaper's website). Generally, newspaper photos of groups of 12+ children do not have the names of the children attached. However, photos of groups of less than 12 children are likely to include the full name of the child in the accompanying caption. Parents need to be aware when they give consent that this is the position. It is important that they are also reminded of the benefits of publicly celebrating achievement to build esteem in the child and pride in their school.

Further advice is available from The Independent Press Standards Organisation who publish an Editor's Code.

Images taken by third parties

Copyright of an image including those downloaded from the internet usually rests with the person who produced it.

Before using an image supplied by a third party schools should check that the third party owns the copyright of that image and you should obtain their written permission to use it. Schools should ask a third party to guarantee to you that all relevant consents have been given with the image.

Websites and Web cams

Consent gained from parents/carers for the use of photographs or film may not extend to website or web cam use, so it is important to check, when introducing such technology, the status of existing consent for pupils.

The regulations for using web cams are similar to those for CCTV (closed-circuit television). Children, their parents and other adults appearing on the web cam all need to be consulted and their consent obtained. In gaining consent, you must tell the person why the web cam is there, what you will use the images for, who might want to look at the pictures and what security measures are in place to protect access. In addition, the area in which the web cam is being used must be well signposted as people must know that the web cam is there before they enter the area.

Related Policies and guidance:

Model Safeguarding and Child Protection Policy (September 2024)

Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings February 2022

Keeping Children Safe in Education (September 2024)

Guidance for schools and other establishments on the use of images (September 2024)

Data Protection: A toolkit for schools, DfE, (August 2018)

Annex 1 - Airdrop and Nearby Share

Airdrop.

- AirDrop is a feature available on iPhones and Mac computers (iOS 7, iPadOS 13, OS X 10.10, or later required).
- It lets physically close Mac and iOS devices share files, photos, websites etc.
- There are no size limits on files.
- It uses Bluetooth and Wi-Fi to transmit the files.
- AirDrop automatically detects nearby supported devices within a maximum distance of 30 feet.
- When a receiver of content is selected, they will be notified and offered the option to accept or decline the incoming file.

Nearby Share.

- Nearby Share is available on Android 6.0+ phones.
- Like AirDrop, it allows users to instantly share files, links and pictures with people around them.
- It also works through Bluetooth or WiFi.
- When Nearby Share is turned on, a list of devices available within sharing proximity is visible.

- When a receiver of content is selected, they will be notified and offered the option to accept or decline the incoming file.

Safeguarding risks posed by both Airdrop and Nearby Share.

- Being exposed to age-inappropriate sexualised and/or violent content.
- Photo sharing as a form of cyberbullying, with the person featured in the image being the target.
- The sharing of self-generated sexual imagery, with or without the permission of the original image/video creator.
- Images of teachers or other staff members shared as part of teacher targeted bullying, including 'upskirting' images (the practice of taking an illegal photo of someone's genitals or genital area, without consent).

If a member of staff or a pupil report receiving inappropriate content then the school must follow their Safeguarding and Child Protection Policy and procedures.