



ACADEMY TRUST

Arden Academy (Arden) is an academy maintained by Arden Multi Academy Trust

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Introduction

Photographs and video for Arden Academy and family use are a source of innocent pleasure and pride, which can enhance the self-esteem of children and young people and their families. Parents/carers are not required to comply with the Data Protection Act 1998 when taking photographs for their own private use of their children at an organised event. Parents should not be stopped taking photographs for their own private use because of concerns of contravening the Data Protection Act.

We must, however, always be mindful of the need to safeguard the welfare of children in Arden Academy, and issues of child protection, data protection and parental consent will be given careful thought. Images may be used to harm children, for example as a preliminary to 'grooming' or by displaying them inappropriately on the Internet. The issue has been further complicated with the advancement of mobile phone and other hand-held forms of internet technology.

There is no national or Government policy available, although the Information Commissioner's Office (ICO) has produced a two page guidance document for educational settings. This is reproduced at Appendix A. This guidance applies to all forms of publications; print, film, video, DVD, on websites and in the professional media, and has been agreed with e-safety specialists and professionals in that field. Certain key principles apply but Arden Academy is able to modify aspects of the policy to fit in with their procedures and individual ethos.

Scope

This document provides guidance on the appropriate use of images of children at Arden Academy. It covers still, video and electronic photographic images wherever they are used.

This Arden Academy document does not differentiate between images for use in publications and those for use on the internet. This is because whilst the Arden Academy prospectus or other printed literature is designed to be a hard document, it is also available over the web. It is therefore difficult to monitor which images have been approved for which purpose.

Arden Academy aims to make full and proper use of photographic images whilst at the same time, meeting the law and preserving the safety of children. Concerns focus on issues around rights of privacy, child protection and copyright ownership. These guidelines address those issues and give advice on good practice.

Typical Uses of Images

- For GCSE examination submissions e.g. videos of swimming, trampolining, athletics events.
- Key skills for PE.
- Video Based Learning Project in PE.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures and the use of photographic equipment by parents, carers and children from the other schools.
- Media including newspapers and television especially when many editors insist on the full names of the young people when publishing photographs.
- Displays in the establishment of young people's achievements and projects.
- Publications by the establishment and others connected with Arden Academy e.g. PTA.

- Establishment web-site.
- Staff training and professional development activities.
- Time lapse photography for recording of building development.
- Site security / CCTV videos.

Governing Body

The Governing Body will formally adopt these guidelines as policy and good practice and will ensure that the child protection and /or health and safety governor are aware of and support the policies and procedures.

Ownership

The Data Protection Act 1998 and Human Rights Act 1998 set out the rights and responsibilities in respect of keeping personal data on individuals. The principles of the Act are set out in Appendix B but in summary everyone has the right to know that information is held on them and the reason for holding that data. They also have the right to refuse permission for that data to be published. The term 'data' includes photographic images. The Data Protection Act is unlikely to apply in many cases where photographs are taken in Arden Academy. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure. Photographs taken purely for personal use are exempt from the Data Protection Act. This means that parents, friends and family members can take photographs for the family album of their children and friends participating in Academy activities and can film events at Academy. Where the Act does not apply, it is suggested that a common sense approach be adopted and that Arden Academy clearly communicates its policy on taking photographs at events.

Photos taken for official Arden Academy use may be covered by the Act. Students should be advised why they are being taken and they cannot be released without consent.

Some examples

- Identity passes – these are for official Arden Academy use and are likely to be stored electronically with other personal data and the terms of the Act will apply.
- Photos taken of students in lessons, for example for the Arden Academy prospectus, will be classed as personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photos will be used.
- Photos taken by a local newspaper - as long as Arden Academy has agreed to this and the children and/or their guardians are aware that photos may appear in the newspaper - will not breach the Act
- Individual photos taken for the medical board for identification purposes, e.g., EpiPen users

Two areas are exempt from the act. They are:

- **Journalism, literature and art** - Publication by any person of any journalistic, literary or artistic material is exempt from the Act. So the Act allows newspapers and broadcasters to publish photographs to publicise activities.
- **Research, history and statistics** - "research purposes" includes statistical or historical purposes. Personal data processed only for research purposes may be kept indefinitely.

Article 8 of the Human Rights Act confers the right to private family life and correspondence. This also states that a public authority (such as Arden Academy) must not interfere with this right except in specific and limited circumstances. An image can interfere with this right, particularly if it is intrusive or displays something that the subject prefers to keep private.

Arden Academy will not display images of students or staff on websites, in publications or in a public place without consent of the person concerned or their legal guardian. The definition of a public place includes areas where visitors to Arden Academy have access.

The Copyright, Designs and Patent 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.

General Issues

When Arden Academy produces a publication, exhibition board, web site or video for distribution and features an image of a recognisable individual, we will ensure we have the permission of the individual in the picture. The Act states you must take reasonable steps to get their permission. To get the permission of everyone in a large crowd would be unreasonable – this really applies to featured individuals. Therefore, the easiest way to do this is to get the necessary permissions before the photograph is taken and all parents/guardians, at the time of their child's entry to Arden Academy, will be asked for such permission.

It is important that those being asked for their consent understand what we intend to use the images for once they are taken. It will be made clear if the picture will be used to illustrate a general theme and so may appear in a variety of different publications or if it is just to illustrate a specific event or pastime.

If Arden Academy does not seek the necessary permission from parents for pictures we take then we understand we leave ourselves vulnerable to prosecution under the Data Protection Act should the publication of any image by Arden Academy cause distress or offence. The responsibility under the Act for seeking permissions and keeping accurate records lies with Arden Academy. Photos taken for official Academy use may be covered by the Act and students will be advised why they are being taken. Photos taken purely for personal use are exempt from the Act.

Context

Arden Academy is careful about the context in which we use an image, especially if it is of young people.

- If we are using an image for publicity specifically related to an event, there is little problem as long as the relevant consents have been obtained.
- For information that covers sensitive areas (e.g. abuse, bullying, domestic violence, alcohol/drug related issues, mental illness etc.), we will always use a library picture. Using pictures of real children alongside these subjects could result in legal action by parents/carers.
- We will not use a photo in a context that is different to that stated on the consent form.
- We will ensure that images cannot be construed as being provocative.
- When taking/using images, we will be representative of diversity by reflecting gender, race and disability.

Good Practice

The following advice represents the good practice Arden Academy undertakes in the use of photographic images involving young people.

- (a) When taking a picture, Arden Academy will obtain the consent of the person in the picture or, in the case of a minor, from their parent/carer.
- (b) Use the image in its intended context.
- (c) When publishing images of children or young people, Arden Academy will follow the commitment made in the consent forms in any published material.
 - we do not publish addresses or e-mail addresses;
 - we do not publish individual close-up portraits;
 - we do not use the image out of context;
 - we do not use the image to illustrate sensitive or negative issues;
- (d) When photographing children, Arden Academy:
 - will ensure that parents/carers of young people have signed and returned the consent form for general photography. Any images going beyond Arden Academy or setting will have specific consent;
 - ensure all young people are appropriately dressed;
- (e) We will always ensure that we have checked whether there are reasons that a particular young person cannot be photographed or identified.
- (f) Will obtain the permission of all the people who will appear in a photograph, video or webcam image before we record the footage. That means young people as well as any adults.
- (g) Use photographs that represent the diversity of the young people participating.
- (h) Report any concerns relating to any inappropriate or intrusive photography to the Principal.
- (i) Remember the 'duty of care' and challenge any inappropriate behaviour or language.
- (j) Will not use images that are likely to cause distress, upset or embarrassment.
- (k) Will regularly review stored images and delete unwanted material.

Archiving Photographs and other Images

Your child's photograph is valid from the time they join the Academy. There may be occasions when their image may be used after your child has left Arden, for example, a celebratory event from the history of Arden. If you do NOT wish for their image to be used AFTER they have left, please write to the Principal to confirm this.

N.B. These guidelines **only** relate to images taken by or commissioned **by Arden Academy themselves for publication**. Arden Academy is **not** liable for images taken by parents or others at Academy events, as it is those who own and publish the images that are subject to the Act.

Parental/Carer Consent

We always get consent from the parent, guardian or carer of a child or young person up to the age of 18 (this is called 'parental consent'). Due to most children attending Arden Academy for five years or more, it seems sensible for us to get consent for the whole five-year period. We send a consent form to parents with Arden Academy registration pack, to cover the period that their children will spend at our Academy.

In exceptional circumstances we may need to make a decision based on the individual case. For example, if a young person has left home but is under 18 years of age, it might be difficult to obtain parental consent. We also exercise caution when dealing with children in care. It may be appropriate to get consent from the carer, as well as the child or young person.

When a parent does not agree to their child being photographed, the Principal informs staff and makes every effort to comply sensitively. For example, if a child whose parents have refused permission for photography is involved with a sports event, e.g. a football match, it may not be appropriate to photograph the whole team. Careful liaison with parents is therefore essential. With discussion it may be possible to agree other options. The parent may accept a team photograph if names are not published or they may be prepared to relent if it affects the whole team. We are mindful that children like to fit in and may feel excluded by being left out of photographs and DVD footage of events and we keep this in mind when organising photo shoots involving groups of children.

Photographic Opportunities

Inter-School Sporting Fixtures

If a vulnerable child is involved in inter-school sporting fixtures, it is necessary to liaise with a member of staff from the other establishment so that they are aware of the wishes of the parents or carer of the child and seek the cooperation of the parents of the opposing team.

Teacher Training and Portfolios

During teacher training and with newly qualified staff, colleagues need to compile portfolios with photographs of children during lessons. Staff should act responsibly in compiling these images. A member of the Senior Management Team will oversee the compiled images as part of the management process and consider their appropriateness.

Displays in Arden Academy

Still photographs shown on displays and video clips available during open/parents' evenings will depict children in an appropriate way. They will not display images of children in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained. We do not use photographs or images likely to cause embarrassment.

Parents' Consultations, Concerts, Productions and Presentations

There will be occasions during the Arden Academy year where parent(s)/carer(s) will wish to take photographs or make a video recording of their child/children taking part in Academy activity. These activities will include assemblies, performances, sports days, outings and educational visits.

In order for Arden Academy to ensure that as far as possible parents/carers use of photography and video is safe and appropriate, we have regard for the following advice:

- ensure that children are appropriately dressed;
- obtain parental permission'
- ensure that parents/carers are aware of their responsibility to ensure that any images they take of Academy activities will not be used inappropriately;
- make clear to parents/carers that photography/video recording only takes place in designated areas. For example, in the main Academy Hall where the assembly or performance is taking place and not in 'backstage' areas or classrooms. We will allocate specific times during Academy outings and educational visits for photographs to be taken in the appropriate setting and areas. An information leaflet is available in Reception for parents/guardians requiring further information;
- be aware of any child who should not be photographed;
- monitor the use of cameras and anyone behaving inappropriately;
- encourage parents / carers with video cameras to sit towards the back of the room during assemblies/performances to prevent obscuring other people's view.
- research the possibility of creating an Academy video recording of the event giving parents / carers the option to purchase a copy of Arden Academy video.
- A set of photographs of an event are often taken by Arden Academy and orders taken for copies.

Practical Examination Evidence

This covers the use of video material recording students' level of performance in examined practical aspects, which are unable to be assessed during the moderating examiner's Academy visit. The protocol laid down by the major exam boards is that this material should be returned to the establishment when the examiner has completed his/her judgments. It would therefore be good practice for colleagues to establish what will happen to the video evidence in discussion with the external examiner during their visit.

Young People Photographing/Videoing Each Other

This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in Arden Academy policy for off-site visits which should accord with the Outdoor Education Advisers Panel 'Employer Guidance' which is currently seen as best practice by the DfE. www.oeap.info. There may be incidents where children take inappropriate photographs, perhaps showing friends and other children inappropriately dressed. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's use of cameras and subsequent use of their images involved (see also section 12).

Mobile Phones and Other Hand-held Devices

The use of mobile phones and other hand-held devices which contain cameras of photographic and or video capabilities are not permitted in Arden Academy changing rooms, toilets etc. These phones can take and transmit images and the same rules apply as for other photography, the user needs to recognise that any pictures taken are for personal use only. Recent amendments to the Education Act give powers to Arden Academy staff which enable them to search for material on a mobile phone or other hand-held device and also allow them to confiscate such items where their use is prohibited as described in the Mobile Phone Policy – see Appendix G.

The Press, Media and Newspapers

When the local or national press are invited into Arden Academy in order to produce an article or take photographs of students, several scenarios can occur.

Team Photographs

- When all parents/carers of the young people involved are prepared to allow team photographs and full names to be published. In this situation publication can occur.
- If a parent is not happy to have their child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The Principal will must make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
- If parents of a child have indicated that the child is vulnerable and should not have a photograph printed then a team photograph may not be appropriate.

Use of Internet/Intranet Sites for Publishing Images

Arden Academy has an internet/intranet facility and the Network Manager is aware of good practice and ensures that the Academy only uses appropriate images that follow this guidance.

Particular care is taken by teachers, parents and students when considering the publication of material onto the internet. Articles being uploaded by Arden Academy are screened very carefully by the Librarian.

Parents who are considering setting up a private/family website with details relating to Arden Academy should first seek permission from the Principal if they intend using images of other children or young people from Arden Academy or a specific setting.

Closed Circuit Television (CCTV)

Arden Academy has CCTV equipment for the following uses:

- As a method of controlling access.
- An aid to site management in monitoring incorrect parking, manoeuvring vehicles, delivery arrivals etc.
- Student behaviour issues/bullying prevention tool. As a behavioural tool during breaks and lunch times it can be used to identify hot spots of inappropriate behaviour. It may also to monitor within the building, corridors and areas out of sight or not frequently trafficked by staff, for example in the vicinity of toilets.
- As an aid to members of staff with particular responsibility for behaviour management.
- To monitor personal safety for site supervisors, caretakers, cleaners etc.
- To monitor site safety and security.
- As an effective deterrent for crime.
- As a means of crime reduction and discouraging trespass.

Types of CCTV Recorders

(a) Video

Images are recorded onto tape using usually, time lapse techniques. Banks of (usually) 31 days of tapes are retained so that a tape is allocated to each day of the month. Images should only be retained for a designated period, this would not normally be any longer than 31 days. Tapes not being used must be held in secure storage and the images erased and the tapes reused. Tapes require regular replacement, approximately annually to ensure clarity of images. Images on tapes must be erased before disposal.

Planned regular auditing of the stored images should be undertaken by a senior member of the management team.

(b) Digital Images

Images of students and/or staff are retained on computer hard drives. They should also only be stored for designated periods and then erased from the hard drive. Managers must ensure that images which are temporarily downloaded to a memory stick (or similar) are erased when no longer required. Control over the use of memory sticks is strongly recommended. Apart from anything else, they can introduce viruses into Arden Academy computer system.

In both instances it is essential that the images are retained securely and are viewed by designated, competent members of staff only.

Cameras and Siting

Several types of cameras can be utilised in a CCTV system, notably:

- Fixed Wide angle lens.
- Dome cameras (rotary) with 360° capacity.
- Corner mounted cameras with 270° capacity.

Every effort must be made to avoid inappropriate images. Cameras should not be sited in toilets, changing rooms or other sensitive areas. Camera siting should be carried out in conjunction with advice from professional CCTV specialists.

Out of Academy hours, cameras may record inappropriate activities taking place on Arden Academy site without Arden Academy's knowledge. If they are of a criminal nature, consideration should be given by a senior member of the management team to referring the information to the police. Again images should be erased in accordance with the procedures above.

While CCTV can be an extremely effective and useful crime reduction/deterrent device, careful use of the images and control by competent responsible staff is considered crucial.



Data Protection Good Practice Note
Taking Photographs in Educational Establishments

Aim of this guidance

This Good Practice 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 Data Protection Act 1998.

Recommended Good Practice

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

Where the Act 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 Academy use may be covered by the Act and students and students should be advised why they are being taken.
- ☒ Photos taken purely for personal use are exempt from the Act.

Examples

Personal use:

- ☒ A parent takes a photograph of their child and some friends taking part in Arden Academy Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- ☒ Grandparents are invited to Arden Academy nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official Academy use:

- ☒ Photographs of students or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- ☒ A small group of students are photographed during a science lesson and the photo is to be used in Arden Academy prospectus. This will be personal data but will not breach the Act 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 Academy awards ceremony. As long as Arden Academy 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 Act

Further Information

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: 0303 123 1113

Website: www.ico.gov.uk

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Appendix B**DATA PROTECTION PRINCIPLES****Personal data shall:**

1. Be processed fairly and lawfully.
2. Be obtained only for one or more specified and lawful purposes.
3. Be adequate, relevant and not excessive in relation to the purpose for which they are processed.
4. Be accurate and, where necessary, kept up to date.
5. Be kept for no longer than is necessary for that purpose.
6. Be processed in accordance with the rights of data subjects under this Act.
7. Be held with the appropriate technical and organisational measures in place against unauthorised or unlawful processing, accidental loss or destruction of, or damage to, personal data.
8. Not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Appendix C

A Guide to Parents for Taking Photographic/Video Images

There will be occasions during the year where you will wish to take photographs or make a video recording of your child or children taking part in an activity. Arden is required to take practical steps to ensure that pictures and images taken of children are done so in a way that reflects the protective ethos of Arden Academy. In order to do so, staff at Arden Academy need to ensure that parental use of photography and video is monitored and protected for the benefit of children and their parents.

You might be asked by Arden to do one or more of the following:

- Give consent for your child's image to be used
- Sign a form which includes a statement saying that you agree to use images appropriately
- Only take photos in designated areas, e.g., Main Hall in the case of school productions
- Sit at the back of the room to prevent obscuring other people's view
- Not to use your own photographic/video equipment in the event of Arden recordings being available for sale

If you have any queries, please speak to a member of Arden staff or email any queries to office@arden.solihull.sch.uk

'Use Your Camera and Video Courteously'

Generally photographs and videos for Arden Academy and family use are a source of innocent pleasure and pride, which can make children, young people and their families feel good about themselves. By following some simple guidelines we can proceed safely and with regard to the law.

- Remember that parents/carers and others, attend Arden Academy events at the invitation of the Principal and Governors.
- The Principal and Governors are responsible for deciding if photography and videoing of Arden Academy performances is permitted.
- The Principal and Governors are responsible for deciding on the conditions that will apply so that children are kept safe and that the performance is not disrupted and children and staff not distracted.
- Parents and carers can use photographs and videos taken at an Arden Academy event for their own personal use only. Such photos and videos must not be sold and must not be put on the web/internet. To do so would likely break Data Protection legislation.
- Recording or/photographing other than for your own private use would require the consent of all the other parents whose children may be included in the images.
- Parents and carers must follow guidance from staff as to when photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Parents and carers must not photograph or video children changing for performances or events.
- If you are accompanied or represented by people that Arden Academy staff do not recognise they may need to check who they are, if they are using a camera or video recorder.
- Remember that for images taken on mobile phones the same rules apply as for other photography, you should

recognise that any pictures taken are for personal use only and must not be shared without the permission of the parents/guardians of the children in the photograph.



Parents/Carers

Use of photography or video recording of Arden Academy activities

Please remember:

- ◆ Photographs and video recording may only take place in the designated areas - please see a member of staff for details.
- ◆ If you are using a video camera, please do not obscure other people's view.
- ◆ You will be given the opportunity to purchase Academy photographs / an Arden Academy video of the event.

Enjoy the event!

Appendix E

Example of Letter to Parents

Dear Parent/Carer

During your child's life at Arden Academy we may wish to take photographic or video images of activities that involve your child. The images may be used for displays, publications or on the Academy-managed website.

Photography or filming will only take place with the permission of the Principal, and under appropriate supervision. When filming or photography is carried out by the media, children will only be named if there is a particular reason to do so, e.g., they have won a prize, and home addresses will *never* be given out. Images that might cause embarrassment or distress will not be used nor will images be associated with materials or issues that are considered sensitive.

Before taking any images of your child, we need your permission. This permission will last for the whole of your child's education at this Academy. Please answer the questions on the separate sheet attached, sign and date the form and return it to the establishment no later than [_____]. You can ask to see images of your child held by the establishment. **You may withdraw your consent at any time.**

If you wish to attend functions and take photographs of your and other people's children please take appropriate images, be sensitive to other people and try not to interrupt or disrupt concerts, performances and events. Please note an information leaflet regarding this is available from Arden Reception.

Important Conditions

1. This form is valid from the time your child starts Arden; there may be occasions where images may be used after your child has left Arden, e.g., a celebratory event about the history of Arden. If you do NOT want your child's image to be used AFTER they leave Arden, then please write directly to the Principal.
 2. Children will be made aware of why their pictures are being taken and how they will be used.
 3. We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on our website, in our Academy prospectus or in other printed publications.
 4. We may include pictures of students and teachers that have been drawn by the students.
 5. We may use group or class photographs or footage with very general labels, such as "a science lesson" or "making Christmas decorations".
 6. We will only use images of students who are suitably dressed, to reduce the risk of such images being used inappropriately.
 7. If it is found that a camera phone has been misused, Arden will follow its usual disciplinary procedures.
 8. Please note that the press are exempt from the Data Protection Act and may want to include the names and personal details of children and adults in the media.
-

PARENT(S)/GUARDIAN(S)

Name of Child (block capitals)	
Child's date of birth	
Name of parent or legal guardian (block capitals)	
I have read the attached letter regarding the use of images of children and I agree to its contents. Please give your consent by putting your initials next to the statement below.	
<i>Please initial below</i>	
I give my consent to images of my child being taken and used for official Academy purposes of promoting or publicising Arden Academy and events in accordance with the guidelines of Arden Academy policy from the time my child starts at Arden.	
I agree that any photographic or video images I as a parent/guardian might take at Academy events will not be used inappropriately. [Insert if Academy's policy is to allow parents to take images]	
I do NOT give permission for my child's image to be used in any form for any purpose at Arden	
I agree to inform Arden Academy of any change in circumstances which may affect the decisions made in this form	
Signature of person responsible for the child:	
Relationship to the child:	
Date (Date/Month/Year):	

OR

Name of Child (block capitals)	
Child's date of birth	
Name of parent or legal guardian (block capitals)	
I have read the attached letter regarding the use of images of children and I DO NOT agree to its contents.	
<i>Please initial below</i>	
I do NOT give permission for my child's image to be used in any form for any purpose at Arden	
I agree to inform Arden Academy of any change in circumstances which may affect the decisions made in this form	
Signature of person responsible for the child:	
Relationship to the child:	
Date (Date/Month/Year):	