

Guide to consent

A summary of this guide:

This guide sets out information regarding consent; when it is required, how it will be obtained, how it should be stored and when and how it should be shared.

You will find the legal position, practical advice and useful templates.

The legal position:

A lawful basis is required for processing all personal information in schools. Personal information includes photographs and videos.

You are permitted to take a photograph of a student to include on their pupil file or on your information management system for the purpose of identifying that student.

You are also permitted to take a photograph of a student for the purpose of associating this with any medical or dietary needs they may have and ensuring that these needs are met. For example, your kitchen staff may hold photographs of students with their dietary needs.

The lawful basis for taking the photographs and using them in the above circumstances is a legal obligation to ensure the student is safeguarded and their needs are met whilst they are in your setting.

Consent is one lawful basis for processing personal information; (Article 6(1)(a) GDPR). If you wish to use photographs or videos for other purposes such as promoting the school, achievements or events then you will require consent.

Article 7 and Recital 32 GDPR sets out that consent must be clear, specific, informed, unambiguous and freely given.

It is also important to ensure that you provide the data subject with clear information about how their consent can be amended or withdrawn.

The practical position:

When consent will be required:

If consent is your lawful basis for processing personal information, you must ensure that you request this before processing that data.

Most commonly, you will require consent for using photographs and videos to celebrate achievements and promote events (both internally and via social media or the website).

Consent is required when you don't have another lawful basis for processing (using in any way) the information.

How to obtain consent:

It is advised that you obtain consent for all main personal data processing activities, that require it, (e.g. the common uses of photographs and videos) in writing. You must ensure that the consent form is clear with separate consents for the different uses.

It is advised that you use an electronic means of sharing the consent form e.g. a consent form sent via Microsoft, Google forms or via your communication system with parents (if it permits this). This is to avoid having paper forms being sent out and collected in.

If you know that your parents would prefer paper forms, or this is better for your setting, please consider how you will collect the completed forms back in and ensure they are stored securely.

You should collect consent for the entire time that the student attends your setting to avoid having to carry out the administrative task of collecting and updating consent preferences every year.

Where consent information should be stored:

Consent information is personal information and should be stored securely. It is recommended that you collect consent electronically to increase security around this information processing.

Once you have obtained consent, you should save the consent preferences securely (whether paper or electronic).

Consent preferences may be included on your Information Management System or stored securely on your network e.g. in a spreadsheet.

When and how consent information will be shared:

You must ensure that all relevant staff know the details of any students who have NOT provided consent for certain processing activities.

Relevant staff would need to include anyone responsible for creating your internal displays, records of achievement and (most importantly) whoever is responsible for posting pictures on your website and social media.

If you use a students' photograph or video in a way that they have not consented to, this would be a reportable data breach as you will not have a lawful basis for processing this data.

You should share the consent information securely, either by ensuring the information is logged on to a system that all staff have access to or by sharing the spreadsheet or area of the secure network where this information has been saved.

You should not need to share consent preferences outside of your school/Trust.

Amending or withdrawing consent:

You must ensure that your consent form includes information about how consent preferences can be amended or withdrawn.

You must not make it any harder to withdraw or amend consent as it was to provide consent in the first place. It is recommended that you just ask the parent/carer to contact a specific member of staff in writing if they wish to make a change to their consent preferences.

If a parent/carer amends or withdraws their consent any time after initial consent has been provided, then you will need to make it clear that this preference will not be applied retrospectively. Any photographs or videos posted on social media or the website prior to consent being withdrawn will not need to be removed unless there is a safeguarding reason for doing so.

You must ensure your consent records are updated to reflect a parent/carer amended consent preferences.

A summary of the key points:

- Obtain consent in writing if possible.
- Ensure you obtain consent for any information processing that you do NOT have another valid lawful basis for.
- Ensure your consent form is clear and sets out separate consents for each of the different uses for that data/photograph.
- Collect consent for the entire time the student attends your setting.
- If possible, use an electronic form or your parent communication system to obtain consent.
- Include information on your consent form about how consent can be amended or withdrawn.
- Make it clear that consent will cover the entire time the student is at your setting, unless it is amended or withdrawn.
- Ensure all key staff know who has NOT provided consent.

Templates:

The remainder of this guide contains a template consent form for use in primary settings and a template consent form for use in secondary settings.

SCHOOL CONSENT FORM

To demonstrate your child's achievements and celebrate the life of the school (within the school community and in some instances the wider public), we take photographs and videos as they work and of their work. Under The Data Protection Act 2018 we require your consent for using these photographs and videos for the various purposes as set out below.

If you do not give your consent or you do not return the form, then we will not use the photographs/videos of your child. If you provide your consent for some of the purposes but not others, we will ensure that we follow your wishes.

We ask you as a parent or carer to decide on behalf of your child what can be done with their images.

My child can be photographed and filmed for these purposes:

Consent	YES	NO
Records of Achievement, display boards in class and around school and other internal celebrations of achievement.		
To be used in Learning Journeys/workbooks belonging to <u>other</u> children		
School publications and brochures (marketing of the school) - including newsletters and a school prospectus		
Site used for sharing work/messages between school and home (e.g. Seesaw)		
Website and social media		
Other media such as local or national press		
May we record your child's voice on a computer e.g. during music?		
May we photograph your child at end of year productions?		
May we film your child at end of year productions?		
I give permission for my child to have an individual school photograph taken by a supplier approved by the school.		
I give permission for my child to have a class photograph taken by a supplier approved by the school. I understand this photograph can be purchased by other parents.		

I give permission for my child's first name to be used, when appropriate, for the above purposes		
Other Consent:		
<p>Please note that we are required to hold the emergency contact details for your child and we will obviously contact you in the case of an emergency. We also currently use your contact details to keep you informed about information relating to the school more generally such as reminders and events. Under the GDPR we require your consent to communicate with you regarding events in (and connected to) school.</p> <p>I am aware that the school uses a third-party SMS/email service to contact me for school-based communication. I agree to the school using this service for non-emergency communication.</p>		
I give permission for my child to take part in trips within the local area (if we are to attend a trip outside the local area, we will write to you separately about that):		

I understand that the consent provided is for the duration of my child's time at the school.

I understand that I can withdraw consent by contacting the school office. This will be acted on within 5 working days of term time. I understand that if I withdraw or amend my consent, this change will take effect from the date I confirm my amended preference and will not apply retrospectively.

Child's name (PRINT) Child's class

Parents/Carers Name (PRINT)

Signature of parent/carer(s)Date.....

Please sign & return to the school Office

Please note that the data collected from these forms will be stored securely and in line with the Privacy Notice and Data Protection Policy (available on the website).

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If you do not give your consent or you do not return the form, then we will not use the photographs/videos of your child. If you provide your consent for some of the purposes but not others, we will ensure that we follow your wishes.

When your child reaches the age of 13 if they are capable of understanding what it is they are consenting to, then they can provide consent, but we still ask you as a parent or carer to decide on behalf of your child what can be done with their images.

My child can be photographed and filmed for these purposes:

Consent	YES	NO
Records of Achievement, display boards in class and around school and other internal celebrations of achievement.		
School publications and brochures (marketing of the school) - including newsletters and a school prospectus		
Website and social media		
Other media such as local or national press		
Promotion and celebration of school trips and residential trips		
May we record your child's voice on a computer e.g. during music?		
May we photograph your child if they take part in school productions?		
May we film your child if they take part in school productions?		
I give permission for my child's first name to be used, when appropriate, for the above purposes		
Other Consent:		
Please note that we are required to hold the emergency contact details for your child and we will obviously contact you in the case of an emergency. We also currently use your contact details to keep you		

<p>informed about information relating to the school more generally such as reminders and events. Under the GDPR we require your consent to communicate with your regarding events in (and connected to) school.</p> <p>I am aware that the school uses a third-party SMS/email service to contact me for school-based communication. I agree to the school using this service for non-emergency communication.</p>		
<p>I give permission for my child to take part in trips within the local area (if we are to attend a trip outside the local area, we will write to you separately about that):</p>		

I understand that the consent provided is for the duration of my child’s time at the school.

I understand that I can withdraw consent by contacting the school office. This will be acted on within 5 working days of term time. I understand that if I withdraw or amend my consent, this change will take effect from the date I confirm my amended preference and will not apply retrospectively.

Child’s name (PRINT) Child’s class

Parents/Carers Name (PRINT)

Signature of parent/carer(s)Date.....

Please sign & return to the school Office

Please note that the data collected from these forms will be stored securely and in line with the Privacy Notice and Data Protection Policy (available on the website).