



Safer Use of Images Guidance

Southend LSCB and Southend Borough Council Guidance
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Safer Use of Images

Generally photographs and videos for organisation and family use are a source of innocent pleasure and pride which can enhance self esteem for children and young people and their families. Regrettably there are occasions when this is not the case and technology such as digital and mobile phone cameras have made the potential for misuse of images easier. The following guidance is intended to assist organisations when developing their own policies, and is intended to apply to all forms of images, whether in print, on film or video, in digital form such as DVD, on websites and in the professional media.

1. Introduction – Why this is important

- 1.1 Photographs and videos can be effective ways to show parents and the local community and activities and learning that take place at your organisation.
- 1.2 Using new technologies such as digital cameras and websites makes it easier to take images and show them to the world, but you have a responsibility to make sure that individual and parental rights are respected, and that vulnerable individuals are protected from risk.
- 1.3 Issues of child protection, data protection and parental consent need careful thought. Images can be used by those who intend harm to children, for example as a preliminary for “grooming” or by displaying them inappropriately on the internet. The risk for an individual child is slight. However, for children that are abused in this way the consequences can be profound.
- 1.4 It is important to make a balanced judgement on the use of images. Organisations are as likely to be criticised for over-reacting as they could be for having failed to exercise caution.

2. Getting consent for the use of images of children and young people

- 2.1 The taking of photographs and videos of children purely for personal use such as by parents at Sports Day or by grandparent’s videoing a play is not a breach of the Data Protection Act. However if the governing body of a school or other organisation decides their policy is not to allow the videoing of such events for safeguarding reasons, this would be permissible as the event would be classed as private (i.e. taking place on private property).
- 2.2 It is good practice to ascertain the views of the child/young person, subject to their age and understanding.
- 2.3 Photographs taken for official use may be subject to the provisions of the Data Protection Act. Permission from the person with parental responsibility for a child is therefore needed before you take their photograph for a publication, website or display in a public place. A public place includes areas where visitors to your organisation have access.

- 2.4 It will reduce your administration if you get consent to last for the whole period that the child is at your organisation and the year after they have left, to enable you to publicise activities undertaken.
- 2.5 You could send a consent form with the organisation's induction or information pack, but should remember to send yearly reminders to all parents that they should let you know if there are changed circumstances, or if they want to withdraw permission for their child to be photographed. This reminder could be an annual standing item in a newsletter or other communication. Parents retain the right to withdraw consent at any time. The organisation is obliged to comply with the parents' and carers' wishes.
- 2.6 Particular care over the wording of any consent form used is necessary. Consent for photographs and/or videos may not extend to use on websites or webcams.
- 2.7 You will need to record changed circumstances so keep forms and photographs together.
- 2.8 If the two parents/carers disagree over consent for their child to appear in photographs or videos, you should treat it as if consent has not been given.
- 2.9 Where children are in Public Care (Looked After) organisations must gain consent on the corporate parent's behalf via the child/young person's social worker.

3 Getting Consent for adults

- 3.1 Don't forget you need written permissions from adult staff, helpers and volunteers to use their photographs.

4 Use of Images – Planning

- 4.1 Where possible, only allow photographs to be taken by a person authorised by the organisation, for example :
 - a) a commercial photographer employed to photograph annual school/class photographs
 - b) a Press photographer
 - c) A person related to the child or organisation (eg parent or staff member).
- 4.2 You should make sure that people are aware about what their image will be used for. If you are writing to parents to accompany the photographs permission form, you should be as specific as possible about that sorts of photographs might be taken – for example :-
 - Photographs for publication in local newspapers
 - Media photography of drama, music and sporting events.
 - Photographs of organisation activities for use in brochures and publicity materials, and in Southend Borough Council publications.

- 4.3 You should make sure that people are aware if you intend to use their photograph in a potentially sensitive publication. For example, a person giving consent to appear on a health promotion leaflet might object if it turns out to be for sexually transmitted diseases.
- 4.4 Make sure that only images of children in suitable dress are taken to reduce the risk of images being used inappropriately. Screen all images for acceptability, and if there is any possibility that a photograph could be used inappropriately then destroy it. Particular care should be taken with photographs taken during PE and swimming lessons to maintain modesty.
- 4.5 No images should be taken of children/young people which capture them in what are commonly understood as non public activities such as changing clothes or toileting, or which show body parts not usually visible in public settings.
- 4.6 Where possible, use general shots of group activities rather than close-up pictures of individual children. Consider the camera angle; photographs taken over the shoulder or from behind are less identifiable.
- 4.7 Make sure that photograph shoots are inclusive, showing children/young people from a range of diverse backgrounds and abilities.
- 4.8 There may be occasions when a child/young person or his/her parent's security is a known risk (i.e. some adoption placements or child resettled after domestic abuse). In such circumstances, a child/young person should not appear in any photograph or image.

5 Naming Pupils

- 5.1 If you use a photograph, avoid naming the child/young person in full (first name and surname). Use general captions eg: working in the science lab, or first names only.
- 5.2 If a child/young person is named in full in the text of a publication, avoid using their photograph.
- 5.3 You should also check that you have not inadvertently named a child/young person in a photograph because they are wearing a name badge. Children can be identified by logos or emblems on sweatshirts. Remove these before the photograph is taken, or blank them out in the production process.
- 5.4 See section 9 for more details concerning newspapers.

6 On Site Events

- 6.1 There are a number of issues to consider when allowing photograph/video recording at organisation events. For example:
 - Disturbance to other members of the audience
 - Distraction to the children/young people taking part in an event, especially where flash is used
 - Parental objection
 - Child protection concerns
- 6.2 Fear of breaching the Data Protection Act should not be wrongly used to stop families taking photographs or videos of organisation events.

- 6.3 Parents and carers and their families can use photographs and videos taken at an event for their own personal use. Such photographs and videos cannot be sold and must not be put on the web/internet as that would contravene Data Protection legislation.
- 6.4 You should make all parents/carers aware in advance of the event that other parents may want to video or photograph activities as a record of their child's work, and give people a chance to let you know if they don't want their child to be filmed.
- 6.5 For example you could include a line in a letter home, and on the event programme, to make people aware that other parents may be recording the event or include the "Use your camera and video courteously" code see page 6.
- 6.6 If an objection is raised, you will need to consider ways to overcome this. For example you could arrange professional photography, reducing disturbance and enabling parents to buy acceptable images. Or you could give parents an opportunity to photograph or film before or after the event, so that any objectors would be able to withdraw their child without affecting the event or performance.

7 Fetes and open evenings

- 7.1 If you are going to take general shots at these events of pupils and visitors for publicity purposes, you should warn people in the invitations you send out that this will take place, so that general consent is implied by attendance.

8 Outside Events

- 8.1 Children/young people may take part in public performances or other activities outside the organisation premises. In these cases the event organiser should seek the permission of parents and carers for photographs to be taken and used in publicity.

9 Press Photography and Media Filming

- 9.1 The media operate under their own Code of Practice. Photographs taken by the media are usually exempt from the Data Protection Act.
- 9.2 Children/young people should not be approached or photographed at the organisation without the permission of the organisation's authorities. However, you may want to invite the media into the organisation to publicise an event or you may be approached by the media regarding a news story.
- 9.3 Newspapers will often want to name children in photographs – their first name and surname, and often their age as well. For this reason it is important that you make parents/carers aware of this and give them an opportunity to object to their child being in media photographs.
- 9.4 If you invite the media into your organisation for publicity purposes it is important that you inform parents/carers whose children may feature in photographs or filming.

- 9.5 If you know there are children who should not be identified as going to your organisation, even if they are in a big group shoot and are not named, you will need to keep them away from the cameras.

Any organisation suspecting a person of taking unauthorised photographs, or undertaking unauthorised filming of children, should immediately contact Essex Police.

10 Video Conferencing

- 10.1 You need to explain to parents how this is used and why, and that it means sending images over the internet that might be stored for the purpose of the organisation. If parents/carers have not given permission for internet publication of their child's photograph you will need to angle the webcam to avoid these children.

11 Mobile Phones

- 11.1 Virtually all mobile phones now contain a facility to take photographs and videos and to transmit images taken, including uploading them onto the internet.
- 11.2 The same rules would apply as for photographs: users need to recognise that any pictures taken are for personal use only.
- 11.3 Because of the potential misuse of digital visual images, your governing body may want to impose firm limits on the use of mobile phones by all children/young people at your organisation, including banning their use in activities, because of the disruption and potential for bullying.
- 11.4 Many organisations already have similar rules in place with regard to mobile phones (audio) so the principles are an extension of that situation.

12 CCTV

If you have installed closed circuit television (CCTV) as a security measure you must operate this in accordance with the principles of data protection. The Information Commissioner has issued guidance on the use of CCTV (see the web link at <http://www.ico.gov.uk/documentUploads/cctvcop1.pdf>).

13 Storage of Images

If the photograph is likely to be used again make sure that it will be stored in a secure place and is only accessed by people who are authorised to do so. Digital images such as those used for child/young person passes should also be stored securely, including any images stored on CD or other disks and on the organisation's computer network. Electronic images should be stored on media which are protected by password. You must not re-use photographs for more than a year after the child/young person leaves the organisation.

- 13.2 When you destroy photographs it is important to destroy the negatives as well, and in the case of CDs and other media which cannot be erased electronically, you should render the disk unusable.
- 13.3 If you have photographs on file that you have already taken out, but don't have written permissions to use them on websites you should renew parental permissions for this before use.

A checklist for organisations when planning events at which photography and video could be used

- ❖ Decide event by event if it is one at which you will permit photography and videoing. However, remember that the taking of photographs and videos of children by their family purely for personal use should be allowed.
- ❖ When informing parents of the event, also inform parents/carers of your decision on photography and videoing.
- ❖ Including written guidance for parents/carers to the effect that any images must be taken for personal use only and specify that the images must not be put on the web/internet otherwise Data Protection legislation will be contravened.
- ❖ Send a copy to all parents/carers of the "Use your camera and video courteously" code (see below).
- ❖ Most parents would expect to be asked to turn off their mobile phones during a performance for audio reasons, so remind them of the need to turn off for visual reasons also.
- ❖ Remind parents/carers with a verbal announcement at the start of the event that any images must be taken for personal use only and remind them that such images must not be put on the web/internet otherwise Data Protection legislation will be contravened.
- ❖ Plan and think ahead as to where and when in the performance or event photographs and videos may be taken and give parents/carers attending the event appropriate guidance regarding where and when photographs may be taken. This will help to avoid disruption or distraction to the children, other parents or staff.
- ❖ Be sure that parents and carers helping with children dressing or changing do not take photographs or videos whilst assisting with this.
- ❖ Be sure that people with no connection with your organisation do not have any opportunity to film covertly – remember to ask your staff to quiz anyone they do not recognise who is using a camera and/or video recorder at events and productions.
- ❖ If a video is produced by the organisation of a production, which includes a cast list in the credits, remember to revisit the parents of the cast to seek consent for names to appear, as this will enable children to be identified and could breach your policy.

Something along the following lines might be offered to parents as part of the letter/newsletter promoting the event:

'Use your camera and video courteously' code – a guide for parents who wish to use photography at and/or video an event.

Generally photographs and videos for organisation and family use are a source of innocent pleasure and pride which can enhance self-esteem for children and young people and their families. By following some simple guidelines we can use such materials safely and with regard to the law.

- Remember that parents and carers attend organisation events at the invitation of the governing body or head of the organisation.
- The governing body or head of the organisation has the responsibility to decide if photography and videoing of organisation performances or events is permitted.
- The governing body or head of the organisation have the responsibility to decide the conditions that apply in order that children are kept safe and that the performance or event is not disrupted and children and staff not distracted.
- Parents and carers and their families can use photographs and videos taken at the organisation's event for their own personal use only. Such photographs and videos cannot be sold and must not be put on the web/internet as that would contravene Data Protection legislation.
- Recording and/or photographing other than for 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. Restrictions on photography also apply to video and camera phones.
- We ask you to turn off mobile and camera phones during the performance or event to prevent disrupting it.
- Parents and carers must not photograph or video children changing for performances or events or in areas not designated by the organisation as being acceptable.
- If you are accompanied by people that organisation staff do not recognise they may need to check out who they are if they are using a camera or video recorder.

Sources of further information

Internet Watch Foundation	www.internetwatch.org.uk
Keeping your Child safe on the internet	www.wiseuptothenet.co.uk
The Information Commission	www.dataprotection.gov.uk
Press Complaints Commission – Code of Practice	www.teachernet.gov.uk
DCSF Teachernet for Schools	www.teachernet.gov.uk

Data Protection Act/The Use of Images of Children

Dear Parent/Carer,

There are sometimes occasions when we wish to take photographs or make video recordings of children at _____ (*insert name of organisation*). Sometimes this is strictly for educational or activity purposes and on other occasions it may be for other purposes such as promoting the activities of _____ (*insert name of organisation*).

Within _____ (*insert name of organisation*) children may create images as a part of the activity or as portfolio based evidence for examinations and awards. These photos remain the property of the child and are only observed by staff and outside accredited organisations.

However, there are occasions when the local press may visit to report on particular organisation events and they may wish to publish photographs of children in newspapers or use recording of the children on television when reporting these events.

In order to comply with the Data Protection Act 1998, _____ (*insert name of organisation*) needs your consent before taking photographs or making video recordings of your child which are not part of its core activities. We would therefore be grateful if you could answer the following questions, sign and date the form and return it to us as soon as possible.

NAME OF CHILD	Please delete as appropriate
That _____ (<i>insert name of organisation</i>) can take photographs of my child which may be used in the organisations literature and other promotional materials.	YES/NO
That _____ (<i>insert name of organisation</i>) can use images of my child on its web site (Please note the web site can be viewed across the world).	YES/NO
That _____ (<i>insert name of organisation</i>) can use images of my child in video recordings to promote the organisation.	YES/NO
That _____ (<i>insert name of organisation</i>) can take photographs of my child for its own records, archives and future interest i.e. Residential Camps, Achievements within the Curriculum etc.	YES/NO

I am happy for the press to take and use images of my child, and _____ (<i>insert name of organisation</i>) may give the press the first name only of my child for publishing with the child's photograph in a newspaper or for captioning on television.	YES/NO
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<p>I have read and understood the conditions of consent on the back of this form.</p> <p>Signature of Parent/Carer:.....</p> <p>Date:.....</p> <p>Name (in block capitals):</p>

THE USE OF IMAGES OF CHILDREN

CONDITIONS OF CONSENT

1. The information which you provide in this consent form is valid from the time that the organisation receives this form until your child leaves the organisation. If your circumstances change or you change your mind about any issues addressed in this form please contact us immediately.
2. The organisation will not use any images of your child once s/he has left without obtaining the parent/carer's specific consent.
3. The organisation will not itself publish the names of children with any images of children without prior specific and separate consent from parents/carers.
4. If a child is named in any text which the organisation publishes, a photograph will not be included with the text, unless this is the wish of the child and parents/carers.
5. The organisation will generally avoid publishing close up or individual photographs other than for internal presentations or for individual Records of Achievement (which are the property of each individual child).
6. The organisation will only use images of children who are appropriately dressed.
7. The organisation will not pass to the press the names of any children appearing in photographs or recording which the press wish to publish or broadcast, unless a parent/carer gives this consent.

Photograph Permissions Form for Staff and Adult Helpers

Organisation Name _____

Occasionally, we may take photographs of activities at our organisation. We may use these images in our organisation's prospectus or in other printed publications that we produce, as well as our website or on project display boards at our organisation. We may also make video or webcam recordings for conferences, monitoring or other educational use.

Southend Borough Council may also use photographs to illustrate work in Southend organisations in council publications, publicity materials and the internet.

From time to time our organisation may be visited by the media who will take photographs, film footage or carry out radio interviews. Photographs for the media and other publicity purposes may also be taken at events where our organisation is taking part.

Please answer the questions below, then sign and date the form where shown. Please return the completed form as soon as possible.

	Please delete as appropriate
1. Are you happy for your photograph to be used in publications and publicity materials produced by the _____ (<i>insert name of organisation</i>) and by Southend Borough Council?	Yes/No

2. Are you happy for your image to be used on our website and Southend Borough Council websites?	Yes/No
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3. Are you happy for your image to be recorded on video or webcam?	Yes/No
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4. Are you happy to appear in the media? This may mean your photograph and name is used in print.	Yes/No
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Please note that websites can be viewed throughout the world and not just in the United Kingdom where UK law applies. Please also note that conditions of use of these photographs state on the back of this form

I have read and understood the conditions of use on the back for this form.

Signature _____ **Date** _____

Name (in Block capitals): _____

Address (in Block capitals):

Telephone number:

Conditions of Use

1. This form is valid for the period of time while you are employed at this organisation, plus one year after you leave, to enable us to publicise the work of the organisation effectively. The consent will automatically expire after this time.
2. We will not re-use any photographs or recordings for more than one year after you leave this organisation.
3. We will not include personal e-mail or postal addresses, or telephone or fax numbers on video, on our website, in our organisation's prospectus or in other printed publications.