

# **Photographic Images of Children Guidelines**

**December 2004**

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## **Guidance on Photographs of Children**

### **1. Introduction**

This document provides guidance on the appropriate use of images of children in education, including schools, youth and community, pupil reintegration units etc. It covers still, video and electronic photographic images wherever they are used. The guidance is for staff in educational establishments and in Warwickshire County Council (WCC) who wish to use images of children and young people in education.

Establishments need to make full and proper use of photographic images while 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 these issues and give advice on good practice.

### **2. Typical Uses of Photographs**

- For GCSE examination submissions e.g. videos of swimming, trampolining, athletics events.
- Key skills for PE.
- Video Based Learning Project in PE (using the DartTrainer software), this secondary school software allows for recording and subsequent manipulation of video images of children in physical education and sporting activity.
- Performing arts including dance and movement, concerts, drama performances, parent evenings.
- Sports days and sports fixtures and the use of photographic equipment by parents and carers and children from the other school.
- Media including newspapers and television especially when some editors require children's names when publishing photographs.
- Displays in the establishment of children's activities.
- Publications by the establishment and by WCC.
- Establishment and WCC web-sites.
- Staff training and professional development activities.
- Publicity material for contractors.
- Time lapse photography for recording of building development
- Site security / CCTV videos.

### **3. Governing Body / Management Committee**

The Governing Body / Management Committee should formally adopt these guidelines as policy and good practice.

Ensure that the child protection and /or health and safety governor are aware of and support the policies and procedures.

### **4. Ownership**

Human Rights legislation and the Data Protection Act 1998 give people new rights and it is the right to 'privacy' that is the issue when using photographs. The Council and establishments must take steps that respect the rights of people in photographs.

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 (see appendix 3).

## 5. Good Practice

The following advice represents good practice in the use of photographic images involving children.

1. When taking a picture the establishment or WCC must obtain the consent of the person in the picture or from their parent or carer.
2. If using a photo from the media or commissioning a photograph, have a signed agreement (see appendices 2 & 3).
3. Use the image in its intended context. Examples of this not happening are:  
when a picture taken by a national newspaper of a child accepting an award was used by the National Front in a story with a completely different story angle.  
When a photo of the public boarding a bus to launch a rural transport initiative is used to illustrate a story attacking rural transport shortages.
4. Follow the commitment made in the consent forms:
  - not to name the child;
  - not to use the photograph out of context;
  - not to use the photograph to illustrate sensitive or negative issues.
5. When photographing children:
  - a. Ensure that parents and carers of young people have signed and returned the establishment / WCC consent form for general photography (see appendix 1). Any images going beyond the establishment or WCC need additional specific consent (see appendix 2)
  - b. Ensure all children are appropriately dressed.
  - c. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
  - d. Photographs of three or four children are more likely to also include their learning context.
  - e. Do not use images of a child who is considered very vulnerable, unless parents / carers have given specific written permission.
  - f. Avoid naming young people. If one name is required then use the first name only where possible.
  - 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 head teacher / manager.
  - i. Remember the duty of care and challenge any inappropriate behaviour or language.
  - j. Do not use images that are likely to cause distress, upset or embarrassment.
6. Regularly review stored images and delete unwanted material.

## 6. Parental Permission

Use of images of children require the consent of the parent / carer. Permission should always be obtained by using the form in appendix 1, when a child joins the establishment. The form covers both the establishment and WCC when using the photographs in publications and on web-sites. Each year as part of a standard communication, ask parents if they wish to change their permission. If they do, encourage them to contact the head teacher / manager.

When a parent does not agree to their child being photographed, the head teacher / manager must inform staff and make 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.

When photographic images are transmitted or shared beyond the establishment e.g. television broadcasts, images on intranet sites, specific permission should be obtained (see appendix 2).

## **7. Inter-School Fixtures**

Apply these guidelines to inter-school events. If a vulnerable child is involved, it will be 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.

## **8. 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 management team may wish to oversee the compiled images as part of the management process and consider their appropriateness.

## **9. Displays in Schools**

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

## **10. Parents Evenings, Concerts, Presentations**

To allow the appropriate recording of children's images by parents / carers:

- ensure that children are appropriately dressed;
- obtain parental permission with the form in appendix 1;
- be aware of any child who should not be photographed ; and
- monitor the use of cameras and anyone behaving inappropriately.

## **11. Practical Examination Evidence**

This covers the use of video material recording pupils level of performance in examined practical aspects, that are unable to be assessed during the moderating examiner's school 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.

## **12. Children Photographing Each Other**

This practice can occur extensively during offsite activities particularly during residential periods. Staff should maintain the supervision and management control specified in the Offsite Activities Guidelines 2003. 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 15).

### **13. Newspapers**

Several scenarios can occur:

#### **1. Team photographs:**

- When everyone is 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 a child's name printed on a photograph then consideration could be given to publishing the photograph with no names. The head teacher / manager should 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.

#### **2. Photo opportunities:**

- When an establishment invites a newspaper to celebrate an event, the head teacher / manager should make every effort IN ADVANCE to ensure that the newspaper's requirements can be met.
- Almost without exception, this means the paper will prefer to publish the full names of anyone in a photograph they print. The only exception to this might be (as above) in a larger group shot (e.g.: a group of more than 10 children).
- However newspapers usually prefer to work with smaller groups of children – e.g.: three or four – and for this number names would definitely be required.
- It is not acceptable to invite a newspaper to take photographs and then refuse to provide any names. Newspapers will not print anonymous photographs. Establishments must give thought to this beforehand – and parental permission / opinion must be their key guidance.
- This might mean offering only those children whose parents are happy for publication of photographs and names for inclusion in any photo opportunities.
- If this is not possible – for instance because a specific group of children have achieved something, and parental permission re. the publication of full names is withheld for one or more of the group - it might be possible to negotiate a 'first names only' agreement with the newspaper.
- Otherwise establishments must be prepared to forego newspaper publicity.

### **14. Use of Internet / Intranet Sites**

Many establishments will have an internet / intranet facility. The site manager should know good practice and ensure that the establishment only uses appropriate images that follow this guidance. For example, if a child has successfully completed a gymnastics award, it would be appropriate to show the child in a tracksuit rather than leotard.

### **15. Mobile Phones**

In accordance with the County Council's Mobile Phone Policy, the use of mobile phones which contain cameras of photographic capabilities should not be permitted in changing rooms, toilets etc.

### **16. Close Circuit Television (CCTV)**

Increasing numbers of school are installing such 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.

- Pupil behaviour issues / bullying. 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 Recorders**

#### 1) 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. Images should only be retained for a designated period, this would not normally be any longer than 31 days. Tapes 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.

#### 2) Regular auditing of the stored images should be undertaken by a senior member of the management team.

#### 3) Digital Images –

Increasingly the images are retained on computer hard drives. They should also only be stored for designated periods and then erased from the hard drive.

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

#### 4) Cameras –

Several types of cameras are used, notably:

- Fixed-Wide angle lens.
- Dome cameras (rotary) with 360 degrees capacity.
- Corner mounted cameras with 270 degrees capacity.
- Manually operated pan tilt-zoom lenses. These have infinitely variable distance and angle capabilities and so can zoom onto individuals. It is therefore crucial that authorised and designated staff only have access to the equipment and that occasional and periodic monitoring of the images saved is undertaken by a senior member of management. Images should be destroyed after the designated period.

#### 5) Camera Sightings –

Every effort should be made to avoid inappropriate images and cameras should not be sighted in toilets, changing rooms or other sensitive areas. Camera sightings should be carried out in conjunction with Ian Webb, Risk Management Officer WES Safety and Premises.

## 6) Out of School Hours –

Cameras may record inappropriate activities taking place on the school site, without the school'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.

## **17. Review of Guidelines**

The content of these guidelines will be reviewed in October 2005 and subsequently as required.

## **18. Further Information**

Further information on all aspects of child protection is available from:

**John Sullivan, Education Safeguarding Children's Manager**

Tel: 01926 412264

**Alan Lindsay, General Inspector, Physical Education**

Tel: 01926 412265

**Keith Thompson, Health and Safety Officer**

Tel: 01926 412901

## **Appendices**

- 1 Consent form for schools to use when children join the school, which also covers use of the images by Warwickshire County Council.
- 2 Consent Form for Photographic Images of children to be used beyond the establishment.
- 3 Agreement with Photographers.
- 4 Agreement with Editors.



## Appendix 1

### Consent Form For Photography and Images of Children

Dear Parent or Carer

During your child's life at the establishment we may wish to take photographs of activities that involve your child. The photographs may be used for displays, publications and on a web-site by us, by the Local Education Authority or by local newspapers.

Photography or filming will only take place with the permission of the head teacher / manager, and under appropriate supervision. When filming or photography is carried out by the news 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 give out. Images that might cause embarrassment or distress will not be used nor will images be associated with material on issues that are sensitive.

Before taking any photographs of your child, we need your permission. **Please answer the questions below, sign and date the form and return it to the establishment.** You can ask to see images of your child held by the establishment. You may withdraw your consent at any time.

Name of child (Block Capitals) :		
Name of person responsible for the child:		
I understand that: <ul style="list-style-type: none"><li>• the local media may take images of activities that show the establishment and children in a positive light e.g. Reception Year pictures of new starters, drama and musical performances, sports and prize giving;</li><li>• photographers acting on behalf of the school or WCC may take images for use in displays, in publications or on a website;</li><li>• embarrassing or distressing images will not be used;</li><li>• the images will not be associated with distressing or sensitive issues; and</li><li>• the establishment will regularly review and delete unwanted material.</li></ul>		
Having read the above statement, do you give your consent for photographs and other images to be taken and used? (please tick the appropriate box)	<input type="checkbox"/>	<b>YES</b> , I give my consent for pictures to be taken and used
	<input type="checkbox"/>	<b>NO</b> , I do not give my permission for pictures to be taken and used
Signature of person responsible for the child:		
Relationship to the child:		
Date (Date/Month/Year):		

**NB** There may be other circumstances, falling outside the normal day to day activities of the school, in which pictures of children are requested. The establishment recognises that in such circumstances specific consent from parent or guardian will be required before photography or filming of children can be permitted.

If you wish to attend establishment 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. Thank you.

**Please return the form to.....**

## Appendix 2

### Consent form for photographic images of children

Consent Form for Photographic Images of children to be used beyond the establishment

To Name of parent  
or guardian:

Name of child

Establishment:

Address:

#### **Project Description:**

(Statement should include description, circulation, timescale, access, agencies involved, copyright of material).

**To the parent**

*Please circle*

1. May we use your child's images in the above project?

**Yes / No**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return this form to:**

<insert return address details>December 2004

**Appendix 3**

**Agreement with Photographers**

Warwickshire County Council is commissioning agreed photographic work with (name photographer).

These commissioned images will be used in the County Council publications, and/or our website. The photographs may also be issued to the media for their use with our permission e.g. photo caption picture stories.

It is unlikely that the images will be used in a situation where the County Council would receive money for the image e.g. in advertising material. If this were to be the case then the Council would contact the originating photographer to discuss these specific circumstances.

The photographer's signature for the agreement of the County Council to hold the copyright of the images commissioned is agreed by the (named photographer) under the conditions stated above.

.....(signature of photographer)

Date:.....

## Appendix 4

### Agreement with Editors

Warwickshire County Council are seeking your (the Editor's name and publication) permission to use (identify picture by description or code number) for the purpose of (identify use e.g. Annual Report/Web site etc.).

We will give a credit to (name of publication) when using this image.

We will not use the image out of context from which the image was originally intended. For example we will not take an image of a disabled child receiving an award and then use the image to promote disabled children.

.....(signature of Editor)

**Date:** .....