



Use of Images Guidance

for children and young people in Warwickshire



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Introduction

Taking pictures and videos of children and young people's achievements and activities is a wonderful way of capturing memories and promoting successes but consideration needs to be given as to how those images may be used.

The reality we face is that children and young people are at risk of abuse or exploitation through advances in technology that enable electronic image sharing. Warwickshire Safeguarding Children Board (WSCB) and Warwickshire County Council are committed to protecting and safeguarding all children and young people in the county. This guidance is intended to help you by suggesting steps you can take to ensure images of children and young people are only used for their intended purpose; that appropriate consent to use images is sought; and that the risks of sharing images on the internet and through social media are properly managed.

This guidance is supported and produced by Warwickshire County Council (WCC) and endorsed by WSCB.

Legislation such as the Children Act 1989, section 11 of the Children Act 2004 and the statutory

guidance 'Working Together to Safeguard Children 2013' places an obligation on us all to safeguard and promote the welfare of children and young people.

In addition, where the Data Protection Act 1998 applies, it is good practice to obtain consent for the use of images of clearly identifiable people.



The increased use of technology has made it easier to use pictures and images in either print or web format. With this increased usage comes a greater responsibility to ensure the rights and safety of those included in images are safeguarded.

As photographic images can be misused through modification or distribution via the internet a number of issues must be considered before decisions are made to use such images and how to use them.

WCC and WSCB partner agencies inevitably generate images of children and young people as part of their work to inform, consult and communicate with

the community. Many agencies and organisations including schools, childcare providers and young people's services use images of children and young people to promote activities and initiatives on behalf of their organisations.

This document aims to provide advice and guidance in order to safeguard children and young people. Its aim is to minimise the risk of misuse of images and to ensure that individuals' safety and welfare are not compromised.

Any agency or organisation requiring further advice and guidance can contact Warwickshire County Council's Communications and Media Service, which offers a professional service and upholds best practice with regard to the use of images of children and young people. In certain situations where the use of an image may be contested it is wise to seek advice from Health and Safety, Legal, ICT or Safeguarding services.

“ **The increased use of technology has made it easier to use pictures and images in either print or web format. With this increased usage comes a greater responsibility to ensure the rights and safety of those included in images are safeguarded.** ”

“ **This document aims to provide advice and guidance in order to safeguard children and young people.** ”



Quick Guide to Compliance

Listed below are some key questions that professionals and volunteers that work with children and young people should ask themselves when considering the taking and use of images. Following these through will assist you in ensuring you comply with data protection legislation.

1. Do I know what the images are going to be used for?

When you are taking images it is important to make sure you know what the purpose of taking the images is. For example, you may be taking pictures of children for use within a school project, to capture events and achievements or to use in a publication produced by your organisation.

Although there may be a primary purpose for taking the pictures, there is no problem in taking images for more than one purpose, provided you have thought about this and it is appropriate. For example, a teacher may take pictures of children for them to use for a project. The pictures may then be used in a newsletter to parents or published on the school website.

Further issues in respect of the use of images that you may wish to consider are covered in section 3 of this guidance.

2. Are the people I'm taking images of likely to understand what they are being used for?

Once you know what the purpose of taking the images is, you need to consider whether those people you are taking images of are likely to understand what the images are being used for. If those people are adults you should ensure that they know why you are taking the pictures and you should ask them for their consent to cover all the purposes for which the images are to be used. Where it is clear from the outset what the images are going to be used for it is unlikely that you will need specific consent. Where you are seeking consent, you will need to consider whether it is necessary to get that consent in writing or not.

If the adult is an employee or volunteer and the image is for internal use only, it is likely to be reasonable simply to approach them and ask for verbal consent. However, if an image is likely to be published externally (e.g. newspaper article or school website), it is best practice to seek written consent from any adult (employee, volunteer or parent) who is depicted in the image (see Appendix D).

For practical and safeguarding purposes, professionals should seek consent from a parent, guardian or carer, for all persons under the age of 16. Parents, guardians and carers need to understand what the pictures are being used for and whether they wish to give their consent to them being used in that way (see Appendices A, B and C).

In addition to whom you seek consent from, you will also need to consider how often you seek that consent. Consent can last for as long as it states (e.g. a year, the whole time the child is at the school, indefinitely) but you should always give people the option to withdraw or amend their consent at any time. You will need to think about what you consider is a reasonable period for consent to be given for. Good practice would be to write to parents and carers periodically reminding them that they have given consent to their child's images being captured and offering them the opportunity to review their consent should they wish to do so. There may also be occasions when the consent you have been given does not cover the particular use you are considering and in those circumstances you will need to seek further consent or seek to amend the consent you already have.

More detail on what you need to consider when seeking consent is in section 2 of this guidance.



3. Am I satisfied that I have measures in place to store the images securely?

It is important that once you have recorded any images, they are stored securely. You should therefore think about where you will store the camera whilst it still has images on it and also where you download the pictures to. The level of security measures you put in place will need to be practicable and proportionate but you should also consider the risks of somebody else obtaining the images and the potential impact of that upon individuals depicted in the images. Only those individuals who need to use the images should have access to them.

There is further detail on how images may be stored in section 4 of this guidance.

4. Will I make sure that I delete the images when there is no longer a need for them?

Once the images are stored securely, you need to think about how long you need to keep those images for. Data protection legislation states that personal information (including images of identifiable people) should not be kept longer than necessary. How long you keep the images may be linked to how long the consent lasts for or an alternative period if more appropriate.

The main point is to make sure you consider what is reasonable. For example, if images were used for a one-off project or event and are unlikely to be used again, then it is unlikely to be reasonable to keep them once the project or event has finished and you no longer have a use for the images. Alternatively, if the images were for use in a school brochure then it may be reasonable to store those pictures for a number of years whilst the brochure is still in use.



5. Do I need to pass the images on to anybody else?

Once the images have been captured, you may get requests from other individuals or organisations to use those images. If the request is from somebody who is included within the image then they will normally be entitled to a copy as they would with any other request for personal information held about them (having had due regard for other people included in the picture and having considered blanking out others in the picture as appropriate). If, however, it is somebody external, such as a media organisation, you will need to consider whether your consent covers this or if you need to seek further consent.

You will also need to consider whether any other restrictions on personal information in relation to the images need to be in place, for example whether the individuals within the image should be named.

There is further guidance on what should be considered when providing images to third parties in section 1 of this guidance.

“ It is important that once you have recorded any images, they are stored securely. You should therefore think about where you will store the camera whilst it still has images on it and also where you download the pictures to. ”

1. Use of images in publications

Warwickshire Safeguarding Children Board and Warwickshire County Council are committed to working with the media to communicate key messages and information to the community in a proactive manner.

1.1 Images can be used effectively in publications and in the media to illustrate a point or activity mentioned in the text. The term “publications” not only incorporates leaflets and posters but also includes websites, promotional videos, newspaper/magazine articles, social media etc. This guidance also addresses images captured via web cams.

1.2 If you are looking for images to use for controversial subject areas e.g. drugs, domestic abuse, truancy and bullying it is likely to be most appropriate to use stock photos from image libraries such as Shutterstock or RF123 rather than taking any of individuals within your consent. For advice contact the Communications and Media Service. Likewise if you are using your own images for any topic area you should make sure that they are not images that could be used inappropriately, e.g. children wearing swimming costumes.

1.3 In the majority of cases it should not be necessary to name children. For example, in corporate publications, e.g. a school or early years prospectus, there is normally no need to name children.

1.4 When a story relates specifically to the success or achievement of an individual or small group of children, it may be appropriate to name those children but you should ensure that you have the appropriate consent, either on the consent form (Appendix A,B or C) or separately. However, it may still be sufficient to provide the first name only, e.g. “John in Year 4” alongside the image of a child (please also refer to Appendix F).

1.5 Where you are looking to publish images that include children and young people under the age of 16 who are involved in court proceedings you should have due consideration as to whether or not this is appropriate and should liaise with the relevant professionals to identify any risks this may pose. In addition you will need to consider what information (if any) should be published with it - even giving the name of the school or early years setting that they attend may identify them.

1.6 Where early years or other services for children and young people are provided in community/public buildings, children and young people should not be identified alongside images within displays.

N.B. Where possible, early years and other services should use mobile displays that can be stored securely on site when the service is not using the community/public building.

1.7 It is not normally expected that you will need to provide contact information to accompany an image being published. You may wish to give staff and volunteers the opportunity to request that their contact information is not included in any material published but bear in mind that work contact information is unlikely to constitute personal information and in making any decisions you should have regard to what an employer can reasonably expect of an employee. It should not be considered appropriate to publish the addresses or e-mail addresses of children or young people.



Use of images in the media

1.8 Similar rules apply for the use of images in media publications, e.g. not giving a child's personal details and ensuring images could not be considered or used inappropriately.

1.9 Images should not allow someone with harmful intent towards children to identify and target an individual child for grooming or abuse. For a child to be targeted, the most risky combination is a visual image that attracts a potential abuser, accompanied by the child's name and where they can be found. By putting an unnamed child in a group photograph, the risk of them being identifiable by anyone other than those who have a right to know, or a genuine reason for being interested in their achievement, is minimised.

1.10 However, there will be occasional circumstances in which it may be appropriate for the media to publish stories about particular events or the successes or achievements of individual children which would necessitate naming the child or young person. In these circumstances you may need to consider whether any consent you have covers this or if you need to seek further consent.

1.11 Where children are photographed in a group shot, it is preferable to refer to the group as a whole, e.g. class year 6 or name children alphabetically by their first names. It is recommended that group shots are used where possible to ensure that every child has the opportunity to be included in media coverage.

1.12 The age of a child or young person should only be stated if integral to the story.

1.13 It is important to recognise that the media is also required to operate within agreed guidelines when working with children and young people. This provides additional protection. These guidelines include.

- Those produced by Ofcom, the television industry regulator including the Ofcom Broadcasting Code
- UK Press Complaints Commission Code of Practice
- The BBC's guidelines including its Editorial Guidelines

More detailed information on these guidelines is in the appendices of this guidance.

1.14 It is important to judge whether co-operating with a photography or filming request is in the interests of your organisation. Warwickshire County Council's Communications and Media service can advise you if you are concerned about whether or not to agree to a request.

1.15 Consideration should be given to discussion with or comments made to the press regarding the use of images, as comments could be taken out of context, generating negative press coverage.



2. Consent

2.1 The following consent forms are available as templates for you to use to assist in seeking consent:

- A** Parental consent form - schools and FE colleges for students under 18 years
- B** Parental consent form - early years foundation stage settings
- C** Parental consent form - all other settings except schools and early years
- D** Consent form for adults (staff and volunteers) depicted in photographs of children

These consent forms include a list of possible categories of consent. However, you may wish to vary them to suit your organisation's needs, bearing in mind how practical it will be to manage those consents.

2.2 Where photographs are taken by a commercial operator and sold via a website, parents should be advised that they will be included on the website and have the opportunity to request that their child is not photographed. It is advisable that any such website is not open to general access and should be password protected.

2.3 Early years settings need to consider what consent needs to be obtained for the use of images within Learning Journals (see appendix B) and whether it is appropriate and necessary to remove Learning Journals that contain images of children from the setting. If staff members are concerned about taking Learning Journals off the premises, they could consider adding the images when the Learning Journal has been returned to the setting.



It is essential that consent is always given by the parent/guardian or carer BEFORE an image is captured.



3. Images - capturing and using them

3.1 Consideration should always be given as to how a particular image is used. If the plan is to take a photograph of people involved in a specific activity or event, there should be no problem in using the image as long as appropriate consent has been granted. However, where it is intended to use images for more than one purpose, it will be necessary to give consideration to the different contexts in which the image will be appearing. For example, a photograph of children playing in a playground may seem perfectly acceptable when publicising improvements to a school or early years setting's use of play space but if used in a publication on domestic or child abuse, it could give the misleading impression that the child/ren pictured were subject to such abuse. This could upset and offend their parents/carers and could lead to a formal complaint or even legal action.

Such cases have been made successfully against other local authorities, resulting in the council receiving fines and being ordered to pay substantial legal costs. As suggested above, it is recommended that images from an approved image library are used for controversial subject areas. These will have images which have been specially produced for such purposes and consent will already be in place.

3.2 Schools and early years settings, in particular, are advised to consult with the council's Communications and Media team in order to prevent any misuse of images.

3.3 Professionals taking images of children or young people in their employment capacity and volunteers working with young people on behalf of partner agencies must ensure that appropriate consent has been provided before starting to take images of children.

3.4 Professionals and volunteers taking images of children with appropriate consent must only use equipment which is provided by the school, early years provision or organisation they work or volunteer for to record and store those images. Equipment used to store images should always remain in the establishment or - if the service is provided in a shared or community setting - in an approved secure place. Camera equipment used to record official off-site school/setting activities, e.g.

displays/outings, should only be used by authorised staff and volunteers and should be returned to the establishment or approved secure place immediately after the activity.

N.B Staff and volunteers should be able to refer to clear guidance about the use of all image capturing and ICT equipment while carrying out their duties in their school, setting or organisation's ICT Acceptable Use Policies and written codes of conduct for staff and volunteers.

3.5 It is advisable that students requiring images for work placement portfolios only use images provided by the setting, school or organisation and that where appropriate parental consent has been sought.

Existing photographs

3.6 If the existing photographs are not going to be used for the purpose for which they were originally taken, then the holder is responsible for making all reasonable attempts to contact the subject to gain consent or destroy the images. Where there is uncertainty, a risk assessment should be undertaken to determine what is reasonable.

Large crowds

3.7 When taking images at an event attended by large crowds, such as a sports event, this is regarded as a public area and so permission is not required from everyone in a crowd shot. People in the foreground are also considered to be in a public area. However, it is recommended that photographers address those within earshot, stating where the photograph may be published and giving them the opportunity to move away.



When taking images at an event attended by large crowds, such as a sports event, this is regarded as a public area and so permission is not required from everyone in a crowd shot.

Websites

3.8 The internet has provided a gateway for information sharing across the world but can also provide an avenue for inappropriate use of images which places children and young people at risk.

The UK Council for Child Internet Safety (UKCCIS) provides useful advice for schools that use the internet and have their own website at <http://www.education.gov.uk/ukccis>. It is a voluntary organisation chaired by Ministers from the Department of Education and the Home Office. This advice should be used in conjunction with section 3 of this guidance.

Video recording and taking photographs at school/setting events

3.9 Video should be treated in the same way as still images and where appropriate consent should be obtained. The purpose of the filming should be made clear from the outset. If the filming is carried out by an external body, e.g. a media or TV company, the council's Communications and Media service can provide further advice on whether to decide to allow filming and how it should be carried out.

Permission should be gained from anyone in the video who is not part of a crowd and is easily recognisable.

If it is not clear who may be included in the video, it may be advisable to give written notification of the intention to video/photograph prior to or at the beginning of an event which covers the reason for filming and intended use of any images captured.

If a video or photographs of any production are for commercial purposes, i.e. the school videoing and selling to parents, you should consider whether this is covered by the consent you already have or if you need to seek further consent.

If there are child protection concerns, these should be discussed with Children's Social Care services in order to ascertain whether it is appropriate for a child to appear in a production rather than banning the use of video or taking of photographs and drawing further attention to this.

If in any event it is believed that videoing by parents will be disruptive then restrictions can be implemented prior to the event.

(Please see Appendices Ei and Eii, which are suggested pro forma for obtaining written notification of parents/carers' intent to take photographs of their children prior to an event and their agreement to do so subject to clearly stated guidelines designed to safeguard children. These pro forma are not mandatory and can be adapted as appropriate for different settings, e.g. schools/ settings/services are best placed to make an informed local decision about giving permission for parents/carers to video record events.)

Webcams and video conferencing

3.10 The area in which a webcam/video conferencing camera is used must be well signposted and people must know that the webcam/video is there before they enter that area. In effect, this means consent is gained. As with photographs, the person must be told:

- Why the webcam/video is there and
- Who is viewing the webcam/video conferencing camera.

All users and stakeholders should be reminded that broadcasting images over the internet is NOT secure. There is no control over who may view or access the images unless appropriate access controls are applied. e.g. a password to access a portal.

Other photographic and image capturing equipment

3.11 Multi-media messaging service mobile phones and other devices can take and transmit images, which may be personal data. The use of photographic and image capturing equipment should only be used in accordance with this guidance.



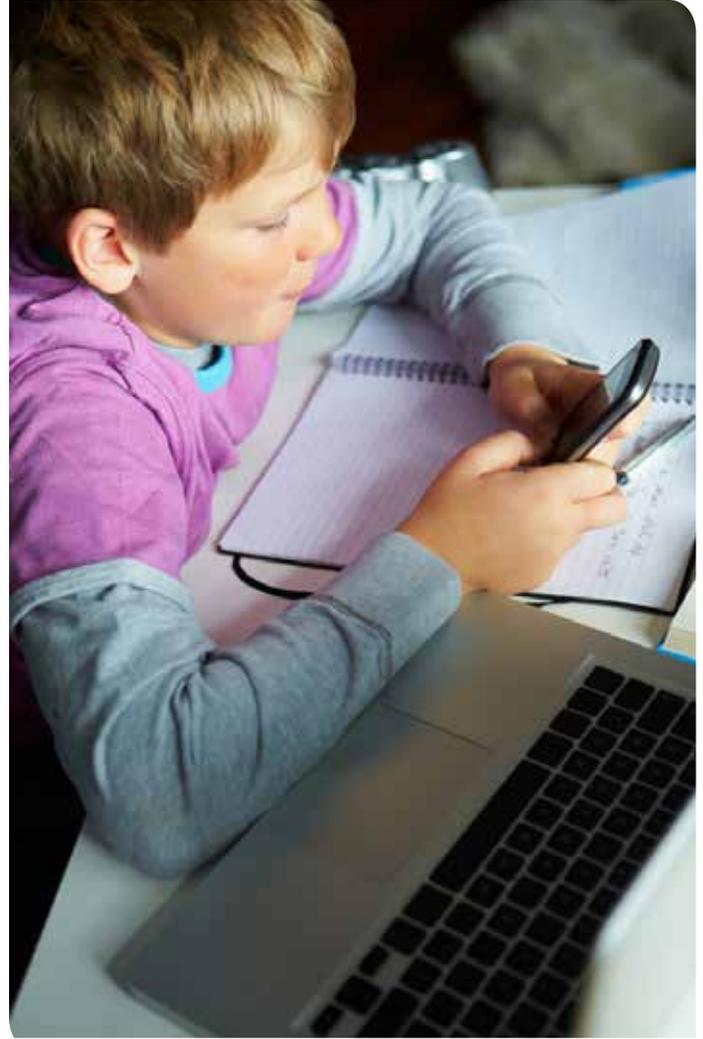
Permission should be gained from anyone in the video who is not part of a crowd and is easily recognisable.

4. Safe storage of images

Safeguard your work

4.1 Once a picture has been taken and written consent to use it has been obtained, it is necessary to store the image appropriately. It is recommended that images are not stored on hard drives but on a managed networked electronic archive of images that is only accessible by individuals with appropriate access rights. However, bear in mind that third parties providing technical IT support may need access to the school's network and in such circumstances you should ensure that appropriate safeguards are in place, such as DBS checks on third party contractors. This ensures digital versions of images are on a secure network location which is regularly backed up. Retention of some hard copies may be appropriate for business continuity purposes. Again these should be stored in a secure location.

4.2 If schools, early years settings or young people's services wish to retain digital copies of images, they must be stored in the same way, i.e. on a secure network location. This will allow them to update and restore images if the hard copy is lost. If hard copies of pictures are kept, they must be in a secure location to protect them from damage or being mislaid. This will also ensure that no-one can accidentally use them without being clear to whom they belong and the context in which they may be used.



5. Legal Issues

Data Protection Act 1998

5.1 It is important to remember that images of people are defined as personal data, particularly if they are processed in conjunction with other personal data such as names and addresses. As such the Data Protection Act 1998 applies to the processing of images. This includes capturing images, holding images, storing images, sharing images and destroying images.

The eight Principles of the Data Protection Act have been developed to provide a framework to process personal data lawfully and should be followed at all times.

The Information Commissioner's Office (ICO) guidance for schools (2012) states that filming and photography of events such as nativity plays, school events, sports days, leisure centre events etc. (please note there are certain areas within leisure centres where photography is prohibited) are exempt under the Data Protection Act if these are solely for personal or domestic use. However, the guidance states that a school may still have a policy restricting the taking of photographs or other images, for instance for child protection reasons or to prevent disturbance, but stresses that this is not a data protection issue. Therefore the taking of photographs or video films at school events is allowed for data protection purposes but it is recommended good practice to ask parents/carers to register their intent to capture images in writing (see appendices Ei and Eii) and to do so subject to certain conditions, e.g. not distracting performers or other audience members.

It is advisable to request that parents, at the beginning of an event, do not place any recording or images on social networking sites, such as Facebook or YouTube, unless they are only of their individual child. The name of the school should not be placed alongside such footage.

Examples of personal use:

- A parent takes a photograph of their child and some friends taking part in school 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 the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Security of information and images

5.2 The Data Protection Act 1998 regulates the processing of personal data. Images would usually be categorised as personal data particularly if associated with other information such as name and address.

As a consequence Principle 7 of the Act would apply in that:

"Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data."

You should take into account the state of technological development at any time and the cost of implementing any measures. The measures must ensure a level of security appropriate to:

- the harm that might result from a breach of security and
- the nature of the data to be protected.



5.3 A risk based approach should be adopted to determine what measures are appropriate. It may be appropriate simply to store hard copies of photographs in a locked filing cabinet. Similarly it would be appropriate to store electronic images on a password protected, networked file store that is regularly backed up.

Copyright

5.4 Under English law, it is the photographer who will own copyright to any photographs/videos they have taken, with the following exceptions:

- If the photographer is a member of staff or volunteer in an organisation on whose behalf photographs/videos are taken, she/he will be acting on behalf of the organisation and the organisation will own the copyright.
- If the photographer is an employee of a company instructed to take photographs/videos by an organisation, the photographer will be acting on behalf of his/her employer and the company the photographer works for will own the copyright.
- Unless there is an agreement that assigns copyright to another party, the photographer will retain the copyright and therefore any reproduction without permission would be an infringement of copyright. e.g.:
- If Bill Smith asks Peter Jones the photographer to photograph his wedding, Peter Jones will normally provide a single copy of the prints as part of the fee but any additional prints Bill or his family and friends want must be ordered via Peter as he is the copyright owner and controls who can copy his work.
- If Bill Smith engages the services of XYZ-Photos for the same job and Peter is an employee of XYZ-Photos who instruct Peter to take the photos, XYZ-Photos will be the copyright owner and will control how they are used.



It is important to remember that images of people are defined as personal data, particularly if they are processed in conjunction with other personal data such as names and addresses.

Appendix A

Taking photographs and recording film images of children and young people Parental consent form - schools (academic year 20 _ / _)

..... has a responsibility to ensure the welfare and safety of children and young people.
(Name of school)

Within school we use photographs and film for a number of reasons. The main purpose is to celebrate the success of pupils and record learning and achievement. Photographs are used on display boards, plasma screens and on the school website, e.g. photographs of pupils learning, sports teams and members of the cast of school productions. Film is generally used to help with learning e.g. role plays. Photographs and film will only be recorded and stored on school owned equipment and will be subject to our image destruction policy.

Additionally your child's image may be used outside of the school setting. Common instances may involve promotion of the school to the local community or in competitions. Images may appear in publications or channels used by the local authority or the media e.g. print, internet.

In order to comply with the Data Protection Act 1998 a lawful basis is required before capturing images of a child. Your child's identity will not be disclosed without your consent and only if the photograph is used to celebrate individual success.

I give consent for you to record and use images of my child in the following ways:	Please tick ✓	
Displays within the school	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use in my child's learning journey (reception classes only)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use in the learning journeys of other children who attend the provision (where applicable)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
School website (this will include the prospectus, newsletter and curriculum documents. These show school visits, trips and enrichment activities, student successes/celebrations e.g. Year 11 prom, celebration assemblies and extra-curricular activities). <i>N.B. The website is accessible to the general public</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
School and local authority social media sites e.g. Twitter, Facebook, YouTube <i>N.B. These sites are accessible to the general public</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Images made available to purchase via a restricted website, subject to a secure password e.g. photos taken in school by professional photographer, arranged by school	Yes <input type="checkbox"/>	No <input type="checkbox"/>
General publicity (not press or broadcast media) (includes use by the local authority and for training purposes)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use by the press and other broadcast media	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Name of child Age

Relationship Print name

Signature: Date:

(name of school) will take all steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately, please contact the school or your local children's social care team to report these concerns.

Consent applies to the academic year as stated above. However, you do have the right to withdraw consent at any time by writing to the Head teacher.

Please return this form to the school office

Appendix B

Taking photographs and recording film images of children Parental consent form - Early Years foundation stage settings (1/1 – 31/12 20_)

.....has a responsibility to ensure the welfare and safety of children.
(Name of child minder/childcare setting)

I/We use photographs and digital film for a number of reasons. The main purpose is to celebrate children's successes and record learning and achievement. Photographs of children enjoying activities may be used on display boards, plasma screens and on our website. Photographs and film will only be recorded and stored on setting owned equipment and will be subject to our image destruction policy.

Additionally your child's image may be used outside of the setting. Common instances may involve promotion of the setting to the local community or in competitions. Images may appear in publications or channels used by the local authority or the media e.g. print, internet.

In order to comply with the Data Protection Act 1998 a lawful basis is required before capturing images of a child.

Your child's identity will not be disclosed without your consent and only if the photograph is used to celebrate individual success.

I give consent for you to record and use images of my child in the following ways:

Please tick ✓

Displays within the childcare setting	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use in my child's learning journey	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use in the learning journeys of other children who attend the provision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Setting website (this will include documents such as the prospectus and newsletter. These show activities, visits, trips, children's successes). <i>N.B. The website is accessible to the general public</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Setting and local authority social media sites e.g. Twitter, Facebook, YouTube <i>N.B. These sites are accessible to the general public</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Images made available to purchase via a restricted website, subject to a secure password e.g. photos taken in setting by professional photographer, arranged by setting	Yes <input type="checkbox"/>	No <input type="checkbox"/>
General publicity (not press or broadcast media) (includes use by the local authority and for training purposes)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use by the press and other broadcast media	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Name of child Age

Relationship Print name

Signature: Date:

(name of child minder/childcare setting) will take all steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately, please contact me/the setting or your local children's social care team to report these concerns.

Consent is for one calendar year as stated above. However, you do have the right to withdraw consent at any time by writing to the early years manager or child minder.

Please return this form to the child minder/early years setting

Appendix C

Taking photographs and recording film images of children and young people Parental consent form (1/1 – 31/12 20_)

..... recognises its responsibility to ensure the welfare and safety of children and young people.
(Name of setting/project/organisation)

We use photographs and film for a number of reasons. The main purpose is to celebrate children and young people's successes. Photographs of children/young people enjoying activities may be used on display boards, plasma screens and on our website. Photographs and film will only be recorded and stored on setting owned equipment and will be subject to our image destruction policy.

Additionally your child's image may be used outside of the setting/project/organisation. Common instances may involve promotion of the setting/project/organisation to the local community or in competitions. Images may appear in publications or channels used by the local authority or the media e.g. print, internet.

In order to comply with the Data Protection Act 1998 a lawful basis is required before capturing images of a child. Your child's identity will not be disclosed without your consent and only if the photograph is used to celebrate individual success.

I give consent for you to record and use images of my child in the following ways:

Please tick ✓

Displays within the setting/project	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Website (this will include information about the project and will show visits, trips and activities, young people's successes). <i>N.B. The website is accessible to the general public</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Setting and local authority social media sites e.g. Twitter, Facebook, YouTube <i>N.B. These sites are accessible to the general public</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Images made available to purchase via a restricted website, subject to a secure password e.g. photos taken in setting by professional photographer, arranged by setting	Yes <input type="checkbox"/>	No <input type="checkbox"/>
General publicity (not press or broadcast media) (includes use by the local authority and for training purposes)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use by the press and other broadcast media	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Name of child Age

Relationship Print name

Signature: Date:

(Name of setting/project/organisation) will take all steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately, please contact the setting or your local children's social care team to report these concerns.

Consent is for one calendar year as stated above. However, you do have the right to withdraw consent at any time. To withdraw consent please contact [Name of setting/project/organisation]]

Please return this form to (Name of setting/project/organisation)

Appendix D

Taking photographs and recording film images of children and young people Consent form for adults depicted in photographs (1/1 – 31/12 20 _)

In accordance with WCC guidelines, photographs, video or other images of adults will not be taken without individual consent.

Please tick all relevant boxes I do I do not give consent for image capturing, either through photography or videoing
(name).....

For the purpose of :

Use by the press

General publicity

Including posters, leaflets, publications and website

Images made available to purchase via the internet
(where applicable)

I do I do not give consent to be named alongside my image.

Signature: Date:

Contact telephone number:

WCC will take all steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately, please contact the manager of the school or setting in which the image was captured or your local children's social care team to report those concerns.

Consent is for one calendar year as stated above. However, you do have the right to withdraw consent at any time.

To withdraw consent please contact (Name of setting/project/organisation)

Please return this form to (Name of setting/project/organisation)

Permission for parents/carers to record still images of children at school events (academic year 20 _ / _)

(Name of school).....recognises that parents want to capture lasting reminders/mementos of their children's participation in school events and is happy to support that.

The school can only record and permit the recording of images with signed consent from parents/carers. Some parents/carers choose to withhold their consent for very good and sensible reasons.

The development of digital photography and the common practice of sharing images via social networking sites present additional challenges for schools in terms of granting permission for parents/carers to record images.

The school allows you to take photographs in school of your own child or children only. This agreement is subject to you recognising the need to be sensitive to other people, not causing interruption or disruption to concerts, performances and events and ensuring children are not distracted from giving their best performances after months of practice and preparation.

Please note that if publishing photographs of your own children on social networking sites, the name of the school should not be placed alongside any such images.

However, the situation is less straightforward if recorded images include other children in addition to your own, e.g. photographs of children singing or performing in a group or team sport event.

For that reason, the school asks parents and carers to sign the slip below, undertaking only to record images of their own child/ren wherever possible and not to publish or upload any images of other children onto any websites or social networking sites. This is in order to respect the rights of other parents not to have images of their children published or distributed without their knowledge or consent.

* Similarly, the school is unable to agree to any parent or carer recording video images of school events (wherever possible, arrangements will be made for a professional company to make video recordings, copies of which will then be available for parents/carers to purchase) * delete/include as applicable

Thank you in anticipation of your understanding and co-operation in this matter.

.....
(Name of School)..... Permission to record still images of children at a school event

Name of Child: Class:

Name of Event: Date of Event:

I understand that the school has given me permission to record still images only* at the above named event.

1. I agree to comply with any requests/restrictions about when to take photographs.
2. I will only record images of my own child/children unless including other children is unavoidable (e.g. photographs of children singing or performing in a group or team sport event).
3. I will only use all recorded images for my own private family use.
4. I will not name the school alongside photographs of my child that I place on any social networking site.
5. I will not publish or upload any images of other children onto any website or social networking site. I understand that this is in order to respect the rights of other parents not to have images of their children published or distributed without their knowledge or consent.
6. I understand that failure to comply with this agreement could result in the school refusing permission for me to record images at future school events.

Signed.....Print Name

Please return this signed tear-off slip to the school office before the event

* Appendix E (ii) * to be used at the discretion of the setting

Permission for parents/carers to record still images of children at

(Name of setting)

(Name of setting) recognises that parents want to capture lasting reminders/mementos of their children's participation in activities and events and is happy to support that - subject to parameters designed to safeguard all children in the setting and in accordance with our mobile telephone policy. The setting can only record and permit the recording of images with signed consent from parents/carers. Some parents/carers choose to withhold their consent for very good and sensible reasons.

The development of digital photography and the common practice of sharing images via social networking sites present additional challenges for settings in terms of granting permission for parents/carers to record images.

The setting allows you to take photographs on our premises of your own child or children only. This agreement is subject to you recognising the need to be sensitive to other people, not causing interruption or disruption to concerts, performances and events and ensuring children are not distracted from giving their best performances after months of practice and preparation.

Please note that if publishing photographs of your own children on social networking sites, the name of the setting should not be placed alongside any such images.

However, the situation is less straightforward if recorded images include other children in addition to your own, e.g. photographs of children singing or performing in a concert or group event.

For that reason, we ask parents and carers to sign the slip below, undertaking only to record images of their own child/ren wherever possible and not to publish or upload any images of other children onto any websites or social networking sites. This is in order to respect the rights of other parents not to have images of their children published or distributed without their knowledge or consent.

* Similarly, the setting is unable to agree to any parent or carer recording video images of setting events (wherever possible, arrangements will be made for a professional company to make video recordings, copies of which will then be available for parents/carers to purchase) * delete/include as applicable

Thank you in anticipation of your understanding and co-operation in this matter.

.....

(Name of setting) Permission to record still images of children at a setting event

Name of Child:

Name of Event: Date of Event:

I understand that the setting has given me permission to record still images only* at the above named event.

1. I agree to comply with any requests/restrictions about when to take photographs.
2. I will only record images of my own child/children unless including other children is unavoidable (e.g. photographs of children singing or performing in a concert or group event).
3. I will only use all recorded images for my own private family use.
4. I will not name the setting alongside photographs of my child that I place on any social networking site.
5. I will not publish or upload any images of other children onto any website or social networking site. I understand that this is in order to respect the rights of other parents not to have images of their children published or distributed without their knowledge or consent.
6. I understand that failure to comply with this agreement could result in the setting refusing permission for me to record images at future setting events.

Signed Print Name

Please return this signed tear-off slip to a member of staff before the event

Appendix F

Further guidance

Guidance is available from a number of sources including the European Union's internet safety portal at <http://www.saferinternet.org/> and from The UK Safer internet Centre (SIC), which is a partnership of three organisations with great experience and expertise in making the internet a safer place; the Internet Watch Foundation (IWF), Childnet International and South West Grid for Learning (SWGfL).

The UK SIC carries out awareness-raising activities with the help of a Youth Panel and operates a helpline and hotline. The centre launched a number of resources during 2012 including 'Online Compass' - a self-review tool for organisations working with children and young people (www.onlinecompass.org.uk) and 'Digiduck's Big Decision' - an illustrated book aimed at young children available online and in print (<http://kidsmart.org.uk/teachers/ks1/digiduck.aspx>). Teachers, parents and carers can find further information from the Child Exploitation and Online Protection Centre at <http://www.ceop.police.uk/safety-centre/> and from Childnet International at <http://www.childnet.com/>

When considering the use of images on websites, the following guidance should be taken into account:

- Avoid the use of the first name of individuals in a photograph - this reduces the risk of inappropriate unsolicited attention from people outside the school. An easy rule to remember is:
 - if the pupil is named, avoid using their photograph
 - if the photograph is used, avoid naming the pupil.
- Ask for parental permission to use an image of a pupil. This ensures that parents are aware of the way in which their child is representing the school. A parental permission form is one way of achieving this.
- Use photographs of items designed and made in technology lessons, extracts from written work and scan images of artwork. This allows pupils to exhibit their work to a wider audience, without the risk of inappropriate uses of the images of pupils.
- Only use images of pupils in suitable dress to reduce the risk of inappropriate use (e.g. no gymnastic-costumes or swimwear, etc.).
- Create a recognised procedure for reporting the use of inappropriate images to reduce risks to pupils.

It is particularly recommended that no close-up pictures of individual children are used and that where classroom or group activities are used these are never captioned with the children's names.

Personal details of children such as e-mail addresses, home addresses and telephone numbers should never be revealed.

It is recommended that where images of children are used there is an arrangement made to ensure that there is a log of visitors to the website.

Avoid publishing photographs of individual children, use only group or whole class photographs with general labels, such as "science lesson."

Appendix G

Media guidelines

There is now a wealth of guidance available on the internet but the main areas of regulation come from Ofcom and the British Broadcasting Corporation (BBC).

Ofcom

Ofcom is now the overall regulator for television.

The Ofcom Broadcasting Code ("the Code") is the most recent version of which took effect on 28 February 2011, and covers all programmes broadcast on or after 28 February 2011. The Code Guidance can be found here <http://stakeholders.ofcom.org.uk/broadcasting/guidance/programme-guidance/bguidance/>.

The Ofcom Broadcasting Code obliges broadcasters to take "Due care ... over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes." (Rule 1.28, Ofcom Broadcasting Code.)

Programmes broadcast prior to 28 February 2011 are covered by the version of the Code that was in force at the date of broadcast. Previous versions of the Code can be found here <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>.

It has also produced guidance on safeguarding children in the digital age entitled

Protecting Your Children in a Digital World

<http://consumers.ofcom.org.uk/2011/04/managing-your-media-protecting-your-children-in-a-digital-world/>

There is also a website called Parentport at www.parentport.org.uk/ which is run by the UK's media regulators and contains useful guidance.

BBC Editorial Guidelines

The BBC publishes a code of ethics for programme makers called the Editorial Guidelines at www.bbc.co.uk/editorialguidelines/guidelines/

It has advice on standards, including accuracy, impartiality, fairness, taste and decency and the welfare of children. It emphasises that the rights of children need to be respected.

Section 9 of the Editorial Guidelines sets out the standards for Children and Young People as Contributors which can be read at www.bbc.co.uk/editorialguidelines/page/guidelines-children-introduction/

Section 18 covers Children and the Law and this can be viewed in more detail at www.bbc.co.uk/guidelines/editorialguidelines/page/guidelines-law-children/

UK Press Complaints Commission Code of Practice

The media also receives guidance from the UK Press Complaints Commission Code of Practice which makes the following five points:

1. Young people should be free to complete their time at school without unnecessary intrusion.
2. Journalists must not interview or photograph any child under the age of sixteen on subjects involving the welfare of the child, or of any other child in the absence of, or without the consent of, the parent or other adult who is responsible for the child.
3. Pupils must not be approached or photographed whilst at school without the permission of the school authorities.
4. There must be no payment to minors from material involving the welfare of the children, nor payment to parents or guardians from material about their children or wards, unless it is demonstrably in the child's interest.
5. Where material about the private life of a child is published, there must be justification for the publication, other than the fame, notoriety or position of his or her parents or guardian.

Appendix H

Provision within legal acts and directives

(1) The issue of legal or care proceedings

Reference should be made to the Children and Young Persons Acts 1933, 1969 and the Children Act 1989 and Children Act 2004 legislation. You are advised where such proceedings are underway, or are contemplated, to seek specific legal advice.

There are major restrictions to the reporting of the names and use of images, persons under the age of eighteen who are involved in court proceedings.

Children Involved in Criminal Cases

In England, Wales and Northern Ireland people accused of committing offences while under 18 are usually dealt with in Youth Courts.

In Youth Court proceedings, there is an automatic ban on anything which might lead to the identification of a witness, defendant or other party in those proceedings who is under 18.

This includes a prohibition of giving the name, address or school, as well as the use of pictures.

In other courts, there is no automatic restriction but the court can make an order preventing identification of a child involved in the proceedings.

The restrictions for Youth Courts also apply to Children's Panel/Referral cases.

Children Involved in Civil Cases

Other court proceedings involving children may be heard in magistrates' courts, County Courts, or the High Court. They may deal with care proceedings, adoption or guardianship.

Courts Sitting in Private

In any courts sitting in private, it is usually a contempt to broadcast detailed accounts of child related hearings. This will include proceedings involving wardship, adoption and guardianship of an infant.

In wardship cases it is not contempt to report the court's order or an accurate summary of it, unless the court expressly forbids this.

Protection of Children Act

The Protection of Children Act (1978) covers cases of children filmed, or otherwise displayed, for pornographic purposes. It is an offence under the act to:

- take an indecent photograph of a child under the age of 16
- involve a child under 16 in a photograph that is itself indecent even if the child's role is not.

(2) Human Rights Act 1998

The UK is a signatory to the European Convention on Human Rights and the Convention is made effective by the Human Rights Act 1998. Article 8 of the Convention relates to privacy and states as follows:

"Article 8 - right to private and family life"

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

This provision will of course apply to the rights of children to have their privacy too. As far as the press is concerned, it should be noted that they are not by definition "a public authority" and so applying the privacy provision of Article 8 to them is extremely difficult. This will not stop it applying though, to organisations such as local authorities or public bodies such as the BBC.

Appendix H (contd)

(3) United Nations Convention on the Rights of the Child

A further provision which has some bearing on this issue is the United Nations Convention on the rights of the child. UNICEF (United Nations Children's Fund) has provided specific guidance with regard to the media and children in need of special protection.

Its guidance summary is:

Reporting must be done to reflect basic principles which are:

- the best interests of the child
- when trying to define the best interests of the child, the opinion of the child is important
- a child has the right, not only to survival, but also to development
- all the rights should be applied without discrimination
- the child has the right to freedom of expression
- the child has the right to protection

(4) The Data Protection Act 1998

This is the main piece of legislation that governs the processing of data in relation to identifiable living people including children and the protection of personal data in the UK. Although the Act itself does not mention privacy, it was enacted to bring UK law into line with the EU data protection directive of 1995 which required Member States to protect people's fundamental rights and freedoms and in particular their right to privacy with respect to the processing of personal data.

The Act covers any data about a living and identifiable individual. Anonymised data is not covered. Individuals can be identified by various means including their name and address, telephone number or Email address. The Act applies only to data which is held, or intended to be held, on computers ('equipment operating automatically in response to instructions given for that purpose'), or held in a 'relevant filing system'. The Act creates rights for those who have their data stored, and responsibilities for those who store, process or The person who has their data processed has the right to:

- View the data an organisation holds on them, for a small fee, known as 'subject access fee'
- Request that incorrect information be corrected. If the organisation ignores the request, a court can order the data to be corrected or destroyed, and in some cases compensation can be awarded.
- Require that data is not used in any way that may potentially cause damage or distress.
- Require that their data is not used for direct marketing.

The Information Commissioner's Office ('the ICO') has been set up as the UK's independent authority in order to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The ICO's website is at www.ico.gov.uk/ and contains wide-ranging data protection advice. It has produced specific guidance for Young People at www.ico.gov.uk/youth.aspx

Contacts

For further information please contact;

WCC Communications and Media Service

newsteam@warwickshire.gov.uk

or 01926 413727

Warwickshire Safeguarding Children Board

Warwickshire County Council – 01926 410410

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Notes

