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# Photographic Images of Children Guidelines

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Adapted for North Somerset Council April 2005



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# **Guidance on Photographs of Children**

## **1. Introduction**

The use of images of children and young people has become more of an issue over recent years with concerns over members of the public misusing the images themselves or gaining access to the children and young people pictured. The issue has been further complicated with the advancement of mobile phone and internet technology.

There is no national policy available at the moment to instruct schools and LEAs on the best procedures to adopt. North Somerset schools have requested specific guidance with regard to the use of images in publications and on websites and the procedures regarding the use of video recording equipment by parents / carers.

This guidance (produced in the main by Warwickshire and also by Peterborough) is deemed Best Practice by the DfES. Certain key principles apply but schools are able to modify aspects of the policy to fit in with their ethos.

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 North Somerset Council (NSC) who wish to use images of children and young people in education.

This guidance does not differentiate between images for use in publications and those for use on the internet. This is because whilst your school prospectus is designed to be a hard document, it could easily be made available over the web. It is therefore difficult to monitor which images have been approved for which purpose.

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 NSC.
- Establishment and NSC 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.

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

The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise (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 NSC 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 / NSC consent form for general photography (see appendix 1). Any images going beyond the establishment or NSC 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 requires 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 NSC 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 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**

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

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

- ensure that children are appropriately dressed;
- obtain parental permission with the form in appendix 1;
- ensure that parents / carers are aware of their responsibility to ensure that any images they take of school activities will not be used inappropriately appendices 1, 5 and 6;
- ensure and make clear to parents / carers that photography/video recording only takes place in designated areas. For example, in the main school hall where the assembly or school performance is taking place and not in 'backstage' areas or school classrooms. Allocate specific times during school outings and educational visits for photographs to be taken in the appropriate setting and areas. This information can be given to parents / carers in a letter or by sending the attached leaflet (appendix 6) and displaying the poster (appendix 5) whenever parents / carers are likely to use cameras or video cameras;
- be aware of any child who should not be photographed;
- monitor the use of cameras and anyone behaving inappropriately;
- Encourage parents / carers with video cameras to sit towards the back of the room during assemblies/performances to prevent obscuring other people's view.
- Research the possibility of creating a school video recording of the event giving parents / carers the option to purchase a copy of the school video. For schools that do not have the right equipment to undertake this, an approach could be made to another school who might agree to loan the necessary equipment.
- A set of photographs could be taken by school and orders taken for copies. This is greatly simplified where a school has a digital camera.

## **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**

The use of mobile phones which contain cameras of photographic and or video 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 that 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 Sitings -  
Every effort should be made to avoid inappropriate images and cameras should not be sited in toilets, changing rooms or other sensitive areas. Camera sitings should be carried out in conjunction with advice from the local authority. Contact Education Asset Management on 01275 884 195
- 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:

**Education Welfare**  
Tel: 01275 888 310

**Health and Safety**  
Tel: 01275 884 450

## **Appendices**

- 1 Consent form for schools to use when children join the school, which also covers use of the images by North Somerset Council.
- 2 Consent Form for Photographic Images of children to be used beyond the establishment.
- 3 Agreement with Photographers.
- 4 Agreement with Editors.
- 5 Poster for display at school events
- 6 Leaflet for issue to parents with Appendix 1



## 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 given 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.

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. More information is available in the Guidance leaflet for parents and carers.

Name of child (Block Capitals) :	
Child's Date of Birth	
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 North Somerset Council 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
In addition, I confirm that any photographic or video images I as a parent or carer might take at school events will not be used inappropriately.	
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 have concerns or queries about any of this information, please discuss it with a member of staff at the establishment named below.

Please return the form to *<insert return address details>*

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## 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>**

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**Appendix 3**

**Agreement with Photographers**

North Somerset Council is commissioning agreed photographic work with (name photographer).

These commissioned images will be used in the 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 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 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**

North Somerset Council is 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: .....



## Parents/Carers



# Use of photography or video recording of school activities

Please remember:

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

## Enjoy the event!

## Appendix 6

There will be occasions during the school year where you will wish to take photographs or make a video recording of your child or children taking part in a school activity.



Schools should take practical steps to ensure that pictures and images taken of children are done so in a way that reflects the protective ethos of the school.

In order to do so, schools need to ensure that parental use of photography and video is monitored and protected for the benefit of children and their parents.

You might be asked by your child/children's school to do one or more of the following:

- You might be asked to sign giving permission for your child to be photographed during school activities.
- You could be asked to sign a section of the school's admission form to indicate that any images (photographic or video) that you take will not be used inappropriately.
- You might be asked to sign a returnable slip on any invitation letters to school

events to indicate that any images (photographic or video) you take will not be used inappropriately.

- You could be informed by the school that photography/video recording will only be allowed in designated areas. For example, in the main school hall where the assembly or performance is taking place.



- If using a video camera during assemblies/school performances you might be asked by the school to sit at the back of the room, to prevent obscuring other people's view.

- The school might ask you not to use your own video camera but offer you the opportunity to purchase a school video recording of the event.
- The school might ask you not use your own camera but offer you the opportunity to purchase copies of school photographs of the event.

If you have any queries you should speak to a member of school staff.



This leaflet has been produced to help parents, schools and the LEA to protect their children.

**Acknowledgements:**

Peterborough Area Child Protection Committee &

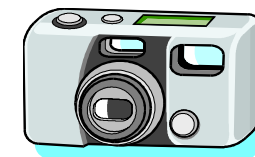
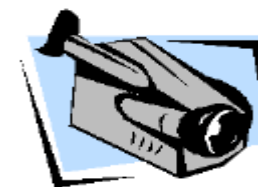


Peterborough City Council



Information

A Guide for Parents/Carers



The safe use of cameras(video, film and digital) in school



**DECISION**  
**OF COUNCILLOR KEHOE,**  
 THE EXECUTIVE MEMBER FOR LEARNING  
 WITH ADVICE FROM THE DIRECTOR OF EDUCATION  
 DECISION No. ED76

**SUBJECT: Photographic Images of Children - Guidelines**

The use of images of children and young people has become more of an issue over recent years with concerns over members of the public misusing the images themselves or gaining access to the children and young people pictured. The issue has been further complicated with the advancement of internet technology.

There is no national policy available at the moment to instruct schools and LEAs on the best procedures to adopt. North Somerset schools have requested specific guidance with regard to the use of images in publications and on websites and the procedures regarding the use of video recording equipment by parents / carers.

The guidance attached is deemed Best Practice by the DfES. Certain key principles apply but schools are able to modify aspects of the policy to fit in with their ethos.

**Funding Implications**

None. The guidance will be adopted and administered by schools in conjunction with their normal contact with parents and carers.

**DECISION:**

That the guidance be approved for adoption by North Somerset schools.

**Reasons:**

Schools have requested clarity with regard to guidance for staff and parents / carers over the taking and use in publications and on websites of photos and videos of children and young people.

**Other Alternatives Considered:**

None.

Signed.....(Executive Member)

**Confirmation of Advice Given:**

Signed.....(Director of Education)

Dated.....