

# Louie's Helping Hands

PHOTOGRAPHY & VIDEO POLICY

CHAIRPERSON: SARA LLEWELLYN

DATE AGREED: 22 FEBRUARY 2017

DATE OF NEXT REVIEW: 22 FEBRUARY 2018

**ALL, STAFF HAVE ACCESS TO THIS POLICY AND SIGN TO THE EFFECT THAT THEY HAVE READ AND UNDERSTOOD ITS CONTENT**

# Louie's Helping Hands

## Photograph and Video Policy

Policy for using images of children: photographs, videos, websites and webcams Introduction We live in an age in which digital technology has vastly increased the use, and potential misuse, of photography.

Publicity surrounding concerns about such matters as whether to allow filming of school events has prompted us to have a policy about the use of photography. In developing such a policy, the board of trustees will open the issue for discussion with parents, if appropriate, to maintain trust in the parents' charity relationship, and to enable those parents with particular concerns to specify that they withhold their consent for whatever reason.

Most children are abused by someone they know. We have taken the view that the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, provided reasonable steps are taken to ensure an appropriate photograph, and to protect full name and contact details, the practice of photograph, for school events by families and the media, should be allowed. In addition, the widespread use of mobile telephones as digital cameras would make banning difficult to impose and police.

Generally, photographs for charity and family use, and those that appear in the press, are a source of pleasure and pride which we believe usually enhance self-esteem for children and young people, and their families, and the practice should continue, within safe-practice guidelines.

1. The Data Protection Act 1998 affects the charity's use of photography. This is because an image of a child is personal data for the purpose of the Act, and it is a requirement that consent is obtained for the parent of a child or young person under the age of 18 years for any photographs or video recordings for purposes beyond the charity core educational role. (E.g. school web sites, school productions).
2. As it is likely that there will be a number of occasions during a pupil's life when the charity may wish to photograph or video that pupil, written consent will be sought for the duration of their stay. There may still be specific occasions when either because of the child's circumstances changing, or because a photograph will specifically identify the individual child in the local press for example, consent will be revisited.
3. Where children are 'Looked After' the Charity will check consent with the social worker, who will clarify whether consent is needed from the child's parent or social services. There may be other situations, (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known by the class teacher to be at stake, indicating the need for extra care. Consent will be obtained in writing, but if it is only possible to obtain verbal consent, this will be carefully recorded by the member of staff concerned and the parent's signature sought.
4. Images will not be used once the pupil has left the Charity, unless separate consent is obtained. Similarly, consent gained for photographs or videos does not extend to website or webcam use, so it is important to check, when intruding such technology, the status of existing consent for pupils.
5. Planning photographs of children, images and details of pupils published together allow for the remote possibility that people outside the school could identify and then attempt to contact pupils directly. The measures described below will help to minimise the risk of such unsolicited attention. Where possible, the Charity will use general shots of classrooms or group activities

rather than close up pictures of individual children, considering the camera angle; photographs taken over the shoulder, or from behind will be less identifiable.

6. As children can be identified by logos or emblems on sweatshirts etc. Depending on the use to which the photograph will be put, the Charity will consider airbrushing logos. The Charity will consider alternatives, is a photograph of the children necessary, or could an article be illustrated by the children's work for example Identifying pupils The DfES advise the following: If the pupil is named avoid using the photograph. If the photograph is used, avoid naming the pupil. The Charity will attempt to use the minimum information and consider whether it is really necessary to accompany a picture with the pupils' names, the year group, or the charity.
7. When naming pupils in any published text, whether in the Charity's brochure, website, or in the local press the Charity will avoid using their photograph. In cases where a pupil/pupils wish to be associated by full name with a photograph, to be published for access beyond the charity, parents will be revisited for their consent, and the DfES advice explained to them 'Using photographs of children supplied by a third party' Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer.
8. As copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it. Before using a photograph supplied by a third party the Charity will check that the third party owns the copyright in the photograph and will obtain their written or verbally recorded permission to use it. Images downloaded from the Internet are also subject to copyright.
9. Websites is an area which gives particular concern to parents because of the potential misuse of images by paedophiles. With digital photography, there is the remote possibility that images of children could be produced manipulated and circulated, without the parents or child's knowledge. The dual concern which follows such a risk is that children might be exploited and a charity might be criticised or face action. The Charity will take special care when using photographs on the Charity website
10. Parents are not covered by the Data Protection Act 1998 if they are taking photographs or making a video recording for their own private use. The Act does not therefore stop parents from taking photographs or making video recordings at charity events, such as nativity plays or sports events. Parents are not permitted, however to take photographs or to make a video recording for anything other than their own personal use (e.g. with a view to selling videos of a charity event). Recording and/or photographing other than for private use would require the consent of the other parents whose children may be captured on film. Without this consent the Data Protection Act 1998 would be breached. The consent form reminds parents of this fact. Data Protection considerations aside, it is possible to ban all filming/recording/photography of charity productions, sports days etc. The Charity believes, however that many parents would consider it to be over-cautious to impose such a ban and will not at this stage recommend this course of action. Staff will question anyone they do not recognise who is using a camera or video recorder at events and productions, and include this instruction on your consent form or any events.
11. Photographs will be maintained securely for authorised use only and disposed of either by returning to the child, parents or shredded as appropriate.
12. The Charity will periodically invite an official photographer into charity to take portraits/photographs of individual children and/or class groups. The Charity will undertake their own risk assessment in terms of the validity of the photographer involved and establishing what checks have been undertaken. Procedures will also ensure that levels of supervision are

appropriate to safeguard the welfare of children at all times when visitors are present on the charity.

The public-sector equality duty of the Equality Act 2010 has been considered in the writing of this policy. A Discrimination Impact Assessment concludes that through this policy Louie's Helping Hands endeavours to eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act. Advance equality of opportunity between people who share a protected characteristic and those who do not. Form good relations between people who share a protected characteristic and those who do not. Protected Characteristics, age, disability, gender, gender identity, race, religion or belief, and sexual orientation.

In this policy the charity is referring to Louie's Helping Hands at all times.

This policy was adopted by: Louie's Helping Hands	Date: 19 <sup>th</sup> May 2016
Reviewed on: 22 <sup>nd</sup> February 2017	Signed: <a href="#">S J Llewellyn</a>
To be reviewed: 22 <sup>nd</sup> February 2018	

## Photographic consent

Child's Name: .....

Parent / Guardian name.....

Sometimes we take photographs of children either at the school or when they are involved in organised activities away from the charity site. We may use the pictures in charity publications, and on our website. We may also make video or webcam recordings for use by the charity. To comply with the Data Protection Act 1998, we need your permission to photograph or make any recordings of your child. Occasionally, the charity may be visited by the news media (usually local newspapers) to take photographs or film of an event at the school. Pupils will often appear in these images, which will be published in local newspapers or even broadcast on television.

More details of the use of photographs can be seen in the charity's policy. Please answer questions 1 2 and 3 below, then sign and date the form where shown and return it to the charity as soon as possible.

1. May we take photographs of your child and use them (unidentified by their full name): in charity publications. On the charity's website, on video or webcam please note that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.
2. Please circle your answer: Yes / No
3. If we feel it is appropriate, do you consent to your child being photographed by local newspapers and other news media, on the basis that their full names will be published along with the picture? Please note that newspapers will be asked to avoid using the child's name if their image is put on the newspaper's own website this consent will also be taken to apply to television images, provided that your child is not named except with your specific agreement.

Please circle your answer: Yes / No

Declaration: I have read and understood the school's policy. My decision on whether to give consent will remain valid throughout my child's time at the charity therapy sessions, unless I notify the charity to the contrary in writing.

I promise that if I, or members of my family, take photographs or video recordings at a charity event, these will be kept for family use only.

Signed: .....

Full name of Parent or legal guardian.....

Date: .....