

Use of images guidance | for children, young people and adults in the Dudley borough

version seven



Introduction

Taking pictures and videos of children's achievements and activities is a wonderful way of capturing a memory and promoting successes but consideration needs to be given to who might have access to those images.

The reality we face is that children are at risk of abuse or exploitation through advances in technology. Dudley Safeguarding Children Board is committed to protecting and safeguarding all children in the borough to ensure as much as possible that they stay safe.

This guidance is endorsed by Dudley Safeguarding Children Board and the Vulnerable Adult Safeguarding Board, and supported and produced by Dudley Council.

Section 11 of the Children Act 2004 and Standard 5 of The National Service Framework place an obligation on us all to safeguard and promote the welfare of children and young people. The Data Protection Act 1998 also emphasises the need to ensure that appropriate consent is given for the use of images of clearly identifiable people, children and adults alike.

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 is safeguarded. As photographic images can be misused through modification or distribution via the internet a number of legal issues must be considered before a decision is made to use such images and how.

The council and its partners inevitably generate images of children, young people and vulnerable adults as part of their work to inform, consult and communicate with the community. Many agencies and organisations use images of people to promote activities and initiatives on behalf of their organisation.

Where Dudley Council facilities are used by, or hired out to commercial providers, or used for childcare/activities by commercial or voluntary sector organisations, such hirers should be encouraged to follow this guidance as part of their hire agreement. NB this does not apply to hirers for family celebrations such as birthday parties, weddings, etc.

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

Anyone requiring further advice and guidance can contact Dudley Council's communications and public affairs team who offer a professional service and uphold best practice with regard to the use of images of children and young people. This advice service is open to all directorates, schools, childcare settings and where appropriate partners across the borough in order to ensure a consistent and co-ordinated approach.

In any event it is essential that council officers consult with the communications and public affairs team before producing communications or publicity material. This will ensure that what is published is accurate, timely, effective, value-for-money and most importantly, meets legal requirements.

It is recommended that schools and childcare settings also liaise, as deemed necessary, with the team when receiving media requests for photographs or filming. This allows the team to make checks and ensure that such requests are in the schools, childcare settings or the boroughs interest.

Contact details for Dudley Council's communications and public affairs team and Dudley Safeguarding Children Board are listed at the end of this document.



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1. Use of images in publications

Dudley Safeguarding Children Board and their partners 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 the use of images of children, young people or vulnerable adults on websites and in promotional videos, CD roms, web cams, etc.

When using images of children and adults, make sure that you:

- Always seek written consent from the parent/guardian or carer for children under the age of 18 BEFORE taking photographs (refer to appendix A)
- Always seek written consent from adults over the age of 18 (refer to appendix Cii)
- Always ensure that this consent is recorded on the standard form, which is included with this policy. The form can also be downloaded from www.dudleysafeguarding.org.uk, by contacting the communications and public affairs team or your Dudley Safeguarding Children Board representative for a copy
- Always be clear what the publication is about and how the image will be used. A time duration is useful e.g. for the 2014/2015 school prospectus
- Always use library images for controversial subject areas e.g. drugs, domestic abuse, truanting and bullying
- Due consideration should be given to children and young people under the age of 18 who are involved in court proceedings. This includes identifying them by name or in an image. Even giving the name of the school they attend is considered identification
- In corporate publications there is no need to name children, ie producing the council plan. However, there will be instances where it is appropriate to name children in schools or nurseries. When publishing children's work alongside a photograph of a child (e.g. stories, paintings, posters), simply provide the first name e.g. "John in Year 4" when in conjunction with the image of a child
- Where early years provision is in community/public buildings, children should not be identified alongside images within displays
- If full name is published, do not publish a picture of the child or young person
- Never publish the full names or addresses of children or young people
- Never publish the email addresses of children or young people
- Do not publish any images that could be used inappropriately e.g. children wearing swimming costumes
- Give staff the opportunity to request that their contact information is not included in any material published

The use of images in the media

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

Images should not allow someone with bad 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 a 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.

- Where the child or young person can be found or identified through school uniform/club kit, the child or young person's full name can be published if it is integral to the story
- Where children are photographed in a group shot, simply refer to the group as a whole i.e. class year 6 or name children alphabetically. However, if the children or young person's names are integral to the story their full names can be published with consent. It is best practice to name the children alphabetically. It is recommended group shots to be used where possible to ensure every child has the opportunity to be included in media coverage
- The age of a child or young person should only be stated if integral to the story

- 1.3 It is important to recognise that the media is also required to meet agreed guidelines when working with children/young people and vulnerable adults. This provides additional protection. These guidelines include:

- The Broadcasting Standards Commission
- The ITC Programme Code (April 2001)
- UK Press Complaints Commission Code of Practice
- The BBC's own guidelines

- 1.4 More detailed information on these guidelines is in the appendices of this policy.

- 1.5 It is important to judge whether co-operating with a photography or filming request is in the interests of your organisation. Again, Dudley Council's communications and public affairs team can advise.

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

- 1.7 It is advised that consent is obtained by schools at the beginning of each academic year. However, while consent for schools and childcare settings is given at the beginning of each academic year or school placement, separate consent is required for specific events, campaigns or projects when led by other partners, eg an awards evening, performance or sports events organised by a third party. Where an event is solely organised by the school or childcare setting, for the school or childcare setting, additional consent is not required.**

Where photographs are taken by a commercial operator and sold via a website, specific consent for inclusion on the website must be sought (see Appendix Ai). Any such website should not be open to general access and should always be password protected.

2. Consent

- 2.1 It is essential that consent is always given by the parent/guardian or carer BEFORE an image is captured. However, do not assume that because consent has been given once, it does not need to be obtained again.

Choose one of the following suitable for your organisation

Ai	Parental consent form for schools - academic year
Aii	Parental consent form for schools - from beginning of placement
Aiii	Parental consent forms for schools (individual consent for various uses of images) academic year
B	Parental consent form for EYFS provision and reception classes
Ci	Consent form for children and young people
Cii	Consent form for all adults (over 18 years)

- 2.2 Parents/guardians and carers should be given the opportunity to reconfirm or withdraw their consent for the use of an image. This means a trigger system needs to be established, which alerts the organisation to the fact that consent for a child or young person's image needs to be reconfirmed, eg if there were plans to change the purpose of use of imagery.
- 2.3 Consent will also need to be sought again if it is decided to use an image taken for one purpose in a different context. However, if the purpose remains unchanged it is assumed that consent is indefinite and parents/guardians or carers will be required to contact the school or council to withdraw consent.
- 2.4 Consent needs to be gained for the use of images within learning journeys in Early Years Foundation Stage provision and must be explicit around the use of images in other children's learning journeys (see appendix B)
- 2.5 If school children are invited to an event organised by a third party where images will be captured, separate parental consent (appendix Ci) is required by the organiser of the event. The schools consent does not cover events organised by a 3rd party.

Separate parental consent is also required if a 3rd party organisation, for e.g. West Midlands Fire Service, attend an event at the school and intend to use the image to evidence and publicise their work. If the images are for school use only the school consent form covers this work.

- 2.6 If an image is published without consent then the parent (or child, if they have sufficient understanding) can make a complaint against the data controller to the Information Commissioner. In some cases this has resulted in prosecution and damages being awarded to the person in the photograph. Furthermore, if a child is placed at risk of significant harm through the publishing of the image, the data controller may face allegations/criminal charges of wilful neglect and be referred to their professional body.

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 consent has been granted. However, if the intention is to use pictures for use in different publications, consideration must be given as to the context in which the image will be appearing. For example, a photo of children playing in a playground may seem perfectly acceptable when publicising improvements to the school's use of play space, although 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/guardians, 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.

- 3.2 If the intention is to use images of children in publications or information on sensitive or controversial issues, such as abuse, violence or mental illness, it is recommended that images from an approved image library are used. These will have images which have been specially produced for such purposes, and consent is already in place.
- 3.3 Schools and early year settings, in particular, are advised to consult with the council's communications and public affairs team in order to prevent any misuse of images.
- 3.4 Any professionals taking images of children or young people in their employment capacity must obtain explicit permission from their manager or headteacher.
- 3.5 Any students requiring images for work placement portfolios must only use images provided by the setting, school or organisation with written parental consent and will not be allowed to capture images on their own personal devices.
- 3.6 Equipment must only be used which is provided or authorised by the organisation, school or early years provision and equipment should always remain in the establishment.

Existing photographs

- 3.7 If the existing photographs are not going to be used for the purpose of which they were originally taken, then the holder is responsible for endeavouring to contact the subject to gain consent.

Where there is uncertainty, a risk assessment should be undertaken specifically focusing on measurable harm and distress.

Large crowds

- 3.8 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.

At sports events such as the Sainbury's School Games, separate parental consent is required by the organiser of the event to capture images and use them. The schools consent does not cover events organised by a 3rd party. The School Games Local Organising Committee have their own welfare policy which includes the capturing and use of images which must be adhered to.

Websites

- 3.9 The world wide web 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. **Children should not be named on images included on websites.**

Newsletters containing images of children clearly identifiable with their name should be modified if published on the website i.e the image should be removed or details removed. Group shots where an article states only the year group with no names are acceptable to be published on the website within a newsletter. (see 1.2).

Videos and photographs

- 3.10 In accordance with section 2 of this document, before any children up to the age of 18 can appear in your video, consent must be gained. The consent form in Appendix A, B or C should be used for this appropriate to the provision.

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

A best practice suggestion would be to obtain written notification of people's intent to video/photograph prior to or at the beginning of an event. This ensures that the setting has an audit trail should the video or photographs be used inappropriately and has been positively responded to in some settings.

If a video or photographs of any production are for commercial purposes i.e. the school videoing and selling to parents, you must again obtain explicit written consent.

If there are child protection concerns these should be discussed with social care within children's services as it may be appropriate to check whether it is suitable for the child to appear in the play rather than banning and drawing further attention to this.

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

Webcams and video conferencing

3.11 The regulations for using webcams and videos are similar to those for CCTV (closed-circuit television). This means that the area in which the webcam/video 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
- What the images will be used for, and
- Who might want to look at the pictures

All 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. password to access a portal.

Other photographic and image capturing equipment

3.12 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.

Inappropriate use of images

3.13 Extreme pornographic images

It is an offence for a person to be in possession of an extreme pornographic image.

An **extreme pornographic image** is an image which is both -

- (a) pornographic, and
- (b) an extreme image.

An image is pornographic if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal/gratification.

An image falls within this if it portrays, in an explicit and realistic way, any of the following -

- (a) an act which threatens a person's life,
- (b) an act which results, or is likely to result, in serious injury to a person's anus, breasts or genitals,
- (c) an act which involves sexual interference with a human corpse, or
- (d) a person performing an act of intercourse or oral sex with an animal (whether dead or alive),

and a reasonable person looking at the image would think that any such person or animal was real.

Indecent image of a child (under 18 years of age)

The word 'indecent' has not been defined by the PCA 1978, but case law has said that it is for the jury to decide based on the recognised standards of propriety.

Police generally use the SAP scale in order to categorise the level of indecency in these pictures.

The SAP scale

- 1 Nudity or erotic posing with no sexual activity
- 2 Sexual activity between children, or solo masturbation by a child
- 3 Non-penetrative sexual activity between adult(s) and child(ren)
- 4 Penetrative sexual activity between child(ren) and adult(s)
- 5 Sadism or bestiality

Teenage girl type cases generally involve level 1 images of teenagers sexually posing in their underwear (these are still classed as indecent). Teenage male offences are generally photos/videos of them masturbating (level 2 images). All will need to be reported and the images deleted by police later before devices are handed back.

Police will investigate and deal with all offences where children are victims and offenders proportionately depending on the age of the victim/offender and aggravating/vulnerability factors. The DSCB procedures relating to **Organised and Complex Abuse** and **Allegations Against Staff or Volunteers** should be borne in mind depending on the circumstances of the concerns.

Protection and Action to be Taken

All incidents should be reported to the police immediately in order for them to secure and preserve evidence. In addition this will enable them to safeguard the victim, the offender and any other possible victims. The police will deal with each incident proportionately and with sensitivity.

Where there is suspected or actual evidence of anyone accessing or creating abusive and / or sexual images of children, this must be referred to the Police as a crime, and Children's social care in line with the **Referrals Procedure**.

Where there are concerns about a child taking abusive and / or sexual images of themselves or another child, with or without consent, a child being groomed, exposed to pornographic material or contacted by someone inappropriately, via the Internet or other ICT tools like a mobile phone, referrals should be made to the Police and to Children's social care in line with the **Referrals Procedure**.

Where a child is being cyber bullied the settings anti-bullying policy should be followed.

Due to the nature of this type of abuse and the possibility of the destruction of evidence, the referrer should first discuss their concerns with the Police and Children's social care before raising the matter with the family. This will enable a joint decision to be made about informing the family and ensuring that the child's welfare is safeguarded.

All such reports should be taken seriously. Most referrals will warrant a strategy discussion to determine the course of further investigation or enquiry. Intervention should be continually under review if further evidence comes to light.

Advice for schools

If you are concerned a child has indecent images ask yourself the following:-

1. Does it meet the definition of extreme porn or an indecent image? If yes call the police. If no deal with as you would do other concerns. An example of 'no' would be a 12 year old with a video of adults having anal sex downloaded from the internet (as this isn't an indecent image of a child or extreme porn). Depending on other aggravating factors you may wish to contact the parents to discuss it with them.
2. If yes you will be asked if you believe the image has been distributed to anyone else.
3. Can you establish from asking where the image originated from?
4. Can you identify the person on the photo? (You won't have a power to search the phone).
5. Any electronic devices will need to be secured.

Checklist

- Always seek written consent from the parent/guardian or carer BEFORE taking photographs
- Ensure consent forms are stored safely and securely and under the obligations of the Data Protection Act
- Ensure any professional taking images has explicit permission from their manager or headteacher
- Ensure only equipment authorised by the organisation is used
- Deal with concerns about inappropriate use of images inline with this guidance



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 images 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. 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 this should be stored in a secure location.
- 4.2 If schools or early years settings wish to retain digital copies, they must be stored in the same way - 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 who they belong to 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 them, 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. Previous sections of this guidance cover the majority of the requirements.

Sections of the act, and other areas of law, that have not been covered previously, are mentioned below.

The videoing, recording 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. Therefore photographs or videoing is allowed. However it is acceptable to ask for parents/carers to register their intent to capture images in writing.

It is advisable to request parents, at the beginning of an event, not to 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 to simply store hard copies of photographs in a locked filing cabinet. Similarly it would be appropriate to store electronic images on a password protected, networked filestore that is regularly backed up. It would not be appropriate to store electronic images on a computer’s hard drive.

Copyright

5.4 Under UK law, it is the photographer who will own copyright on any photographs/videos he/she has taken, with the following exceptions:

- If the photographer is an employee of the organisation the photos are taken for, or is an employee of a company instructed to take the photos, the photographer will be acting on behalf of his/her employer, and the company the photographer works for will own the copyright
- If there is an agreement that assigns copyright to another party In all other cases, the photographer will retain the copyright, if the photographer has been paid for his/her work, the payment will be for the photographer’s time and typically an allocated number of prints. The copyright to the photos will remain with the photographer, and therefore any reproduction without permission would be an infringement of copyright examples:
- 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 friend 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-Photo who instruct Peter to to take the photos, XYZ-Photos will be the copyright owner and control how they are used

Appendix Ai

Parental consent form for schools - academic year

..... supports Dudley Safeguarding Children Board in recognising the need to ensure the welfare and safety of children and young people.

Photographs and digital film recording

Within school we use photographs and digital film for a number of reasons. The main purpose is to celebrate the success of pupils. 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.

Your child's identification will not be disclosed unless the photograph is used to celebrate individual success. We will always take great care to only show photographs if we feel the medium is appropriate.

I would therefore like to ask for your general consent to use photographs and film in the following ways:

- School website. This will include the prospectus, newsletter and curriculum documents. These show school visits, trips and enrichment activities, student success/celebration e.g. Yr 11 prom, celebration assemblies and extra curricular activities etc. National guidance recommends children should not be named on a website alongside their image
- Images made available to purchase via the internet by an external photographer (where applicable)
- Displays within the school
- External exhibitions
- Press articles

If you need clarification or are concerned about the use of your child's photograph please contact the school.

I agree to my child's photograph being used as outlined above

I do not agree to my child's photograph being used as outlined above

I do I do not give consent for my child to be named alongside their image in media coverage

Consent is for the academic year as stated above. However, you do have the right to withdraw consent at any time by writing to the headteacher.

Name of child Year group

Signed parent/carer Date

Appendix Aii

Parental consent form for schools (covering the child's duration at school)

..... supports Dudley Safeguarding Children Board in recognising the need to ensure the welfare and safety of children and young people.

Photographs and digital film recording

Within school we use photographs and digital film for a number of reasons. The main purpose is to celebrate the success of pupils. 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.

Your child's identification will not be disclosed unless the photograph is used to celebrate individual success. We will always take great care to only show photographs if we feel the medium is appropriate.

I would therefore like to ask for your general consent to use photographs and film in the following ways:

- School website. This will include the prospectus, newsletter and curriculum documents. These show school visits, trips and enrichment activities, student success/celebration e.g. Yr 11 prom, celebration assemblies and extra curricular activities etc. National guidance recommends children should not be named on a website alongside their image
- Images made available to purchase via the internet by an external photographer (where applicable)
- Displays within the school
- External exhibitions
- Press articles

If you need clarification or are concerned about the use of your child's photograph please contact the school.

I agree to my child's photograph being used as outlined above

I do not agree to my child's photograph being used as outlined above

I do I do not give consent for my child to be named alongside their image in media coverage

Consent covers the child's duration at school. However, you do have the right to withdraw consent at any time by writing to the headteacher.

Name of child Year group

Signed parent/carer Date



Appendix Aiii

Parental consent form for schools (individual consent for various use of images) academic year

..... supports Dudley Safeguarding Children Board in recognising the need to ensure the welfare and safety of children and young people.

Photographs and digital film recording

Within school we use photographs and digital film for a number of reasons. The main purpose is to celebrate the success of pupils. 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.

Your child's identification will not be disclosed unless the photograph is used to celebrate individual success. We will always take great care to only show photographs if we feel the medium is appropriate.

Please tick all relevant boxes to give consent for your child:

Name Year group

For the purpose of:

Use by the press	Yes <input type="checkbox"/>	No <input type="checkbox"/>
General publicity (including for use by the local authority and for training purposes)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
School websites (this will include the prospectus, newsletter and curriculum documents. These show school visits, trips and enrichment activities, student success/celebration example Year 11 prom, celebration assemblies and extra curricular activities)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Images made available to purchase via the internet (where applicable)	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"/>

Safeguarding

As part of our commitment to safeguarding, consent is also required separately to name children in material used by the press.

I do I do not give consent for my child to be name alongside their image in media coverage.

Relationship Print name

Signed Date

Dudley Safeguarding Children Board 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 contact your local social care team to report these concerns or visit <http://www.dudleysafeguarding.org.uk>

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

Appendix B

Parental consent form for Early Years Foundation Stage provision

Consent form for children in early years provision for the use of photographs, video or web by.....(name of setting)

Dudley Safeguarding Children Board recognise the need to ensure the welfare and safety of all children.

In accordance with Dudley Safeguarding Children Board guidelines, photographs, videos or other images of children and young people will not be taken without the consent of the parents or carer.

Legal requirement

In order to comply with the Data Protection Act 1998 a lawful basis is required before capturing images of a child. Obtaining consent from either the parent, guardian or legally appointed representative of the child or young person provides that lawful basis.

Please tick all relevant boxes to give consent for your child:

(insert name)

For the purpose of :

Use by the press	Yes <input type="checkbox"/>	No <input type="checkbox"/>
General publicity (including for use by the local authority and for training purposes)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Use in childcare setting (including displays, posters, leaflets, publications)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Images made available to purchase via the internet (where applicable)	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 journey's of other children who attend the provision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Websites	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Safeguarding

As part of our commitment to safeguarding, consent is also required separately to name children in material used by the press.

I do I do not give consent for my child to be name alongside their image in media coverage.

Relationship Print name

Signed Date

Dudley Safeguarding Children Board 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 contact your local social care team to report these concerns or visit <http://www.dudleysafeguarding.org.uk>

Consent is assumed indefinite, however we may ask you to renew consent periodically. However, you do have the right to withdraw consent at any time by speaking to the early years manager or childminder.

Appendix Ci

Consent form for children and young people

Consent form for the use of photographs, video or web by

Dudley Safeguarding Children Board recognise the need to ensure the welfare and safety of all children and young people.

In accordance with Dudley Safeguarding Children Board guidelines, photographs, videos or other images of children and young people will not be taken without the consent of the **parents or carer**.

Legal requirement In order to comply with the Data Protection Act 1998 a lawful basis is required before capturing images of a child or young person. Obtaining consent from either the parent, guardian or legally appointed representative of the child or young person provides that lawful basis.

Please tick all relevant boxes I do I do not give consent for image capturing, either through photography or videoing, of my child

(insert child's name)

For the purpose of :

Use by the press General publicity (Including posters, leaflets, publications, training and website)

Use in childcare setting (where applicable) Images made available to purchase via the internet

Safeguarding

As part of our commitment to safeguarding, consent is also required separately to name children and young people in material used by the press.

I do I do not give consent for my child/young person to be name alongside their image in media coverage.

Relationship Print name

Signed Date

Contact telephone number:

Dudley Safeguarding Children Board 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 contact your local social care team to report these concerns or visit <http://www.dudleysafeguarding.org.uk>

Consent is assumed indefinite, however, you do have the right to withdraw consent at any time. To withdraw consent please contact the communications and public affairs team on 01384 815228.

Appendix Cii

Consent form for all adults (over 18 years)

Consent form for the use of photographs, video or web

In accordance with Dudley Safeguarding Children Board guidelines, photographs, video or other images of adults will not be taken without individual consent. Where photographs are taken of vulnerable adults, consent will be obtained from their carer (where appropriate).

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

(insert name)

For the purpose of :

Use by the press General publicity (Including posters, leaflets, publications, training 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.

Signed Date

Contact telephone number:

Signed (carer's - for vulnerable adults): (if appropriate)

Carer's name and telephone number:

Dudley Safeguarding Children Board 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 contact your local social care team to report these concerns or visit <http://www.dudleysafeguarding.org.uk>

Consent is assumed indefinite, however, you do have the right to withdraw consent at any time. To withdraw consent please contact the communications and public affairs team on 01384 815228.

Appendix D • Media guidelines

The Broadcasting Standards Commission

The Broadcasting Standards Commission has specific guidelines on children as follows:

- Children's vulnerability must be a prime concern for broadcasters
- They do not lose their rights to privacy because of the fame or notoriety of their parents or because of events in their schools
- Care should be taken that a child's gullibility or trust is not abused. They should not be questioned about private family matters or asked for views on matters likely to be beyond their capacity to answer properly
- Consent from parents, or those in loco parentis, should normally be obtained before interviewing children under sixteen on matters of significance

Where consent has not been obtained, or actually refused, any decision to go ahead can only be justified if the item is of over-riding public interest and the child's appearance is absolutely necessary.

(b) The ITC Programme Code (April 2001)

The Independent Television Commission (ITC) licenses and regulates commercial television services in the UK except S4C in Wales.

The ITC Programme Code sets out the editorial standards which audiences are entitled to expect from commercial television services in the UK

It gives express guidance with regard to broadcasting images of children. It places specific emphasis on the need where performances of children are used that consent be obtained from the local education authority for the area in which the child lives as well as parental consent.

(c) BBC Producers' Guidelines

The BBC publishes a code of ethics for programme makers called the Producers' 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.

Chapter 14 of the Producers' Guidelines sets out the standards for consent, impact and anonymity as follows:

Consent

It will often be appropriate to seek the consent of parents or legal guardians before interviewing young children, or otherwise involving them in programmes and the younger or more vulnerable the children and the more sensitive the subject matter, the more likely it is that consent will be essential.

If children are to take part in programme making during school hours it will normally be necessary to seek the consent of the school in loco parentis.

Where consent has been refused - reference should be made to the BBC head of department before taking any decision to go ahead. This can normally be justified only if the item is of sufficient public importance and the child's appearance is absolutely necessary.

In the case of drama involving child performances - if the child is required during school hours - the consent of the child's school is required. In law, local education authorities licence all child performances during school hours. Some education authorities make a very broad definition of what constitutes a performance.

Further advice is given to consider, even where consent is given, whether there will be any impact upon the child and his or her development.

Impact

Journalists and other programme makers should consider carefully the impact of the programme on a child involved in it - both in the way it's made and any possible impact it may have when broadcast.

This applies irrespective of whether we have secured parental consent. Children are often eager to help programme makers, but may lack judgement about their own long-term interest.

Programme makers may need to consult professionals and experts when dealing with children. BBC children's programmes have developed considerable expertise and support systems to protect children before, during and after the programme process and can offer advice in this area.

When dealing with dangerous or illegal activities among children, such as drug taking or prostitution, it is often advisable for programme teams to be accompanied by an independent agency throughout their contact with the children.

The guidance code again makes the point, with regards to parental consent, that it may not be enough because of the nature of the subject, the guidance code states:

Anonymity

When factual programmes feature children involved in illegal or anti-social activity, identification may raise difficult ethical issues. There may be a public interest in identifying the children concerned, but the longer-term interests of the child may argue for anonymity. Programme makers should refer up when they are in doubt about the balance of interest. Parental consent may not be a sufficient reason to identify a child if the child's long term future will be best served by anonymity.

When recording anti-social or criminal practices carried out by children with the intention of highlighting the practice rather than the individuals the general rule is that individual children will not be identified.

The Producers' Guidelines can be viewed in full at:
www.bbc.co.uk/info/policies/producer_guides/

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 E • Provision within legal acts and directives

(1) The issue of legal or care proceedings

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.

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.

(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.

(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



Useful contacts

For further information please contact:



Dudley Safeguarding Children Board
www.dudleysafeguarding.org.uk



**Dudley Council's communications
and public affairs team**
01384 815228

