

**Using images of children Policy**

We live in an age in which digital technology has vastly increased the use, and potential misuse of photography. Publicity around such issues has led the Surrey Safeguarding Children Board (SSCB) to develop a multi-agency policy about the use of such images.

Most children are abused by someone they know and the risk of a child being directly targeted for abuse through being identified by a stranger is so small that, providing that reasonable steps are taken in planning events where video or photography is being used the practice should be allowed. Children who have been previously abused in this way may feel threatened by the use of photography, filming etc and staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

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

Little Bookham Preschool follow the guidelines set out by Surrey County Council and the Surrey Safeguarding Children’s ( SSCB) Policy.

1. **Issues of Consent**

The Data Protection Act 1998 affects our 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 from the parent of a child or young person under the age of 18 years for any photographs or video recordings for the purposes beyond the activity of the organisation. It is also important to ascertain the views of the children or young people involved. Where children are Looked After organisations must check consent with the Social Worker on the corporate parent’s behalf.

Consent gained for photographs or videos may not extend to website or webcam use so it is important to check the status of existing consent when introducing such technology.

Our consent forms makes clear that the consent for the Preschool to take photos remains valid for the duration of the child’s time at preschool, however parents retain the right to withdraw consent at any stage but they need to do so in writing.

1. **Photographs of Children**

Images and details of pupils from schools or clubs allow for the remote possibility that people outside could identify and then attempt to contact them directly. The measures described below should help to minimise the risk of such unsolicited attention.

* Where possible, use general shots of group activities rather than close up pictures of individual children. Consider the camera angle; photographs take over the shoulder or from behind are less identifiable.
* Use images of children in suitable dress and take care photographing sports activities to maintain modesty.
* Consider alternatives. Is a photograph of the children necessary or could an article be illustrated by the children’s work for example?

1. **Identifying Children**

The DfES advises the following as a broad rule of thumb where consent is unclear:

• If the child is named avoid using their photograph. If the photograph is used, avoid naming the child.

We recommend that:

• You use the minimum information. Ask yourself whether it is really necessary to accompany a picture with the child’s name.

• When fully naming children in any published text, whether in a brochure, on a website or in the local press, avoid using their photograph unless you have parental consent to do so.

1. **Use of Images of Children by the Press**

(Please also refer to the recommendations in Section 3 above, Identifying Pupils) There may be occasions when the press take photographs of children involved with the Preschool when they are taking part in a larger event, e.g. sports gathering

The same guidance regarding consent applies on those occasions. The manner in which the press use images is controlled through relevant industry codes of practice as well as the law. However, given your responsibility to parents and pupils it is sensible to check that any broadcasters or press photographers are aware of the sensitivity in detailed captioning, one to one interviews and close photography.

1. **Brochures, Prospectuses and Publicity Material**

It is always best to avoid using personal details or full names of any child in any promotional material. Follow the DfES advice above.

1. **Videos**

You must have parental consent before any child can appear in a video

Parents can video recordings of events for their own person and family use as they are not covered by the Data Protection Act. (Please also refer to Section 9). Potential difficulties in this area could be avoided if the organisation adopts the policy of taking an official video of the event and making copies available to parents.

1. **Websites**

This is an area that 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 parent’s permission or children’s knowledge. The dual concern which follows such a risk is that children might be exploited and an organisation may be criticised or face action.

It is important to take care with identification and to respect par rental views on

the use of any photography on a website.

We recommend that you visit the *Child Exploitation and Online Protection*

*Centre* www.ceop.gov.uk

1. **Parental Rights to Take Photographs**

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 such events as plays or sports events.

Parents are not permitted 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 an 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 consider banning all filming/recording/photography of organisational events if you believe that this is appropriate. We believe, however, that many parents would consider it to be over-cautious to impose such a ban and we would not at this stage recommend this course of action.

The important aspect is to be sure that people with no connection with your

organisation do not have the opportunity to film covertly. Staff members should be aware of anyone they do not recognise who is using a camera or video recorder at events and productions.

1. **The Storage of Photographs**

Photographs must be maintained securely for authorised use only and disposed of either by return to the child, parents or shredded as appropriate.

1. **Official Photographs**

Many organisations, particularly schools will periodically invite an official photographer into their setting to take portraits/photographs of individual children and or groups. It is essential that when considering such an activity organisations undertake their own risk assessment in terms of the validity of the photographer/agency involved and establish what checks and vetting has taken been undertaken. Procedures should also ensure that levels of supervision are appropriate to safeguard the welfare of children at all times when visitors are present.

1. **Useful Sources of Information**

The Information Commission www.dataprotection.gov.uk

Press Complaints Commission www.pcc.org.uk

Internet Watch Foundation www.internetwatch.org.uk

Department for Education & Skills www.dfes.gov.uk