

**This procedure is for Professionals working with a  
Stoke-on-Trent Child / Young Person Only**



[www.safeguardingchildren.stoke.gov.uk](http://www.safeguardingchildren.stoke.gov.uk)



Do not print this manual or parts thereof as these are likely to become out of date. It will be updated regularly and the amendments will be available from the Safeguarding Children Board website.

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# **Stoke-on-Trent and Staffordshire Safeguarding Children Board**

## **PROTOCOLS**

### **PHOTOGRPAHIC AND FILMING POLICY**

**Section J 07**

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## **Stoke-on-Trent J 07 Photographic and Filming Policy**

**Applicable to Stoke-on-Trent children and young people only**

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## **Introduction**

This policy explains what steps need to be taken when the Safeguarding Children Board obtains images for its own use and when films or photographs are taken for its own use. Any reference to photographs and photography should also include filming.

Taking photographs and using video recording equipment is part of daily life. It does not want to prevent anyone from taking photographs of their friends and families for personal use. However, we also appreciate that not everyone will consent to being photographed or filmed, particularly when their image could be published on the internet or used for commercial or publicity purposes.

We are particularly mindful of its child protection obligations and this policy explains what steps we can take to protect everyone and in particular children and vulnerable adults from unwanted photography or filming whilst supporting our families' desire to record important memories.

The Data Protection Act will apply where the photographs are taken for official use and stored with personal details such as names and addresses. This policy advises what steps need to be taken to ensure compliance with the Act.

There are three main sections to this policy:

## **01 Photographs taken by or on behalf of the Safeguarding Children' Board**

Most photography work is commissioned through Stoke-on-Trent City Council's Communications Team and all enquiries should initially be sent through them. The city council will commission images or filming for a number of reasons and uses, including:

- Printed materials such as newsletters or brochures.
- Display materials, such as banners and posters.
- To issue to the media alongside press releases.
- To use on the Internet and/or website.

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### **1a. Photographs of identifiable individuals**

**Permission for photos** – In order to protect the Safeguarding Children Board against any action for breach of the Data Protection Act, you must get written permission for the use of photographs.

Anyone organising photographs on behalf of the Safeguarding Children Board must use the official consent form which is available from the city council's Communication Team on 01782 236703.

The signed consent forms must be stored alongside the photos to which they apply.

**Photographs of children** - Children (under 18) can't give their own consent to photography; a parent or guardian must sign the official consent form. The Safeguarding Children Board will accept a school consent form (which has been signed by the child's parent/guardian) providing it meets the council's standards and authorises the city council to use the image. For further advice please contact the Communications Team.

Where children are 'Looked After', schools must check consent on the corporate parent's behalf with the social worker and there may be other situations, (in adoption placements or following a resettlement from domestic violence for example), where a child's security is known to be at stake, indicating the need for extra care. If this is the case the child's photograph will not be used.

**Schools and community group photos** – A Headteacher may be able to authorise consent for a group of children being photographed for publicity purposes. Headteachers routinely obtain written permission from parents to allow their children to be photographed whilst at school or participating in activities, which the school are involved in. The teacher/leader must sign the official consent form to accept responsibility on behalf of the parents for the children being photographed / filmed. School emblems on clothing may be shown.

**Withdrawal of consent** – An individual who has given consent may wish to withdraw that consent at a later date. If consent is withdrawn the individual must be advised that the Safeguarding Children Board can't recall any publications or films in which their image already appears, however once consent is withdrawn, no further use can be made of that individual's image and it should be deleted.

**Storing Images** - Images containing individuals should be stored with a copy of the relevant completed consent form. Images will be filed by date and year.

**Use of images in Safeguarding publications** - Care should be taken to avoid including any personal information where images are used. However in certain situations the Safeguarding Children Board may use general information on the photograph

**Photographers** - If any Safeguarding Children Board officer wishes to have photos taken or a film made to promote the work they are doing, they must always ask advice from the city council's Communications Team and **must** always use the council's official Photograph Consent form. The city council's Communications Team works with a number of experienced photographers who are familiar with the council's work.

**Copyright** – If photography is being commissioned and purchased from an external photographer, the Safeguarding Children Board must be clear that it expects to buy not just

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specific prints or uses of the photograph, but rights to use the photograph where and when it pleases.

If the photograph is not accompanied by a completed consent form it should not be used for publicity purposes and should be deleted. Any electronic copies of the photograph should also be deleted.

### **1b. Event photography for Safeguarding Children Board publicity purposes**

In most cases it is practical to gain the permission of individuals being photographed, but it is not always possible to do so for large groups at public events such as open days, shows or concerts, public meetings or photo calls etc.

As access to these public events in publicly accessible areas is not restricted, the Safeguarding Children Board considers that any person who is present at these events is considered to have given implied consent to appear in the background of any photograph or film (this is in line with the provisions of the DPA).

We will however make every effort to ensure the public is aware a photographer is on site taking photos for publicity purposes by:

- Putting signs at the entrance to the venue to warn the public that photographs may be taken at the event;
- Including a notice in the programme or tickets where possible for example 'Please take note an official photographer is on site taking photographs/filming for publicity purposes'

This will enable any person who does not wish to be photographed or filmed, the opportunity of taking steps to avoid being photographed or filmed.

Photos from events may be used on the Safeguarding Children Board website and in promotional material to promote the success of the event. When using such images, names will not be used in the captions.

Images of children should be taken with consideration to maintain modesty – for example - in suitable dress. Care should be taken when photographing PE or swimming events - using team tracksuits if appropriate.

Employees and visitors, who have concerns about any photography taking place at an event, should contact the organiser. If appropriate, the person about whom there are concerns should be asked to leave and the event organiser or board representative should be informed.

### **1c. Photographs taken for non-publicity purposes**

This policy is not intended to apply to photographs taken by or on behalf of the Board for day to day business purposes, such as event planning or recording purposes.

Such photographs are unlikely to contain images of individuals other than Safeguarding Children Board officers and will not be released into the public domain. These images can be stored by individual departments and will not need to be referred to the city council's Communications Team.

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This policy is not intended to apply to photographs taken by or on behalf of the Safeguarding Children Board in the course of an investigation. These images may be used as evidence in court proceedings and therefore will be governed by separate evidential procedure rules. You should seek advice from legal professionals in relation to the storage and use of such images.

### **02 Photographs taken by members of the public**

#### **2a. Casual users of public leisure facilities.**

Modern digital photography and mobile phones offer unprecedented opportunities for misuse. The magnification and manipulation which is now possible, together with the fact that there is no need for a third party to develop images is a cause for concern for the Safeguarding Children Board, particularly from a child protection point of view. Whilst the Data Protection Act does not prevent individuals from taking photographs, the Safeguarding Children Board has a shared responsibility for the protection and safety of children and young persons and vulnerable adults using its facilities.

Anyone found to be taking photographs which are intrusive or inappropriate will be asked to stop doing so immediately and will be reported to the Police.

#### **2b. Photography at private functions/events held on Board members premises**

The Data Protection Act does not stop individuals from taking photographs for their families, friends and colleagues. In fact, photographs taken purely for personal use are exempt from the provisions of the Act.

The Safeguarding Children Board does not want to stop individuals from taking photographs or filming for their own use at private events held at Board members premises. Our standard terms and conditions of hire give consent for photography and filming at exclusive use parties, functions and events. The hirer is responsible for the control of photography and filming.

### **03 Copyright - using photographs supplied by or sourced from a third party**

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs.

Copyright is a right that the photographer automatically has as the creator of the image. This prevents other people exploiting the photographers work and to control how other people use it. If you commission photographs, you should include in your contract that the Safeguarding Children Board will own the copyright for images taken on your behalf.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain their written permission to use it. If the photograph contains children, you must also check that the photographer has the consent of each child's parent/guardian to distribute the photographs. If you use a photograph without the copyright owner's permission you could find that action is taken against you for copyright infringement.

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Images downloaded from the Internet are also subject to copyright. Do not use sources like Google images to find photographs, use a reputable stock images website or take advice from the city council's Communications Team.