

PHOTOGRAPHY AND THE RECORDING OF IMAGES OF CHILDREN AND YOUNG PEOPLE

1. Introduction

Parents expect Aberdeenshire Council to celebrate the achievement of children and young people. There is an established tradition in the Authority of developing school and other events – such as concerts, off site trips, and other activities. These offer young people opportunities to perform or appear before their peers, parents, and on occasion the general public.

This document sets out guidance for establishments on the opportunities for the taking of photographs and the recording of images of young people.

While there can be child protection concerns associated with publishing the images of children and young people to be considered, as far as is reasonably possible Aberdeenshire Council will support the taking of photographs by parents and carers. The purpose of these guidelines is to clarify the circumstances in which it is permissible for those attending events to take photographs and record images.

The term “parent” is defined as including guardian and any person who is liable to maintain, or has parental responsibilities, (within the meaning of Section 1 of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person.

2. Management of Arrangements

2.1 Guidance

This document provides operational guidance for head teachers and managers of establishments who record the images of children as a result of their duties. In educational establishments there will be circumstances where it may be necessary or desirable to allow photographs or recordings of the images of children and young people to be made. The taking of photographs or video recordings can be for school, administrative or other reasons relating to the operation of the school or establishment.

In addition, the document gives guidance on managing opportunities for parents and carers to take photographs video or recordings of their children.

2.2 Prior Written Permission

In circumstances where pupils or children will be photographed or videoed in schools, on other Council premises or off site, the prior written permission of parent/carers must be obtained. Records of such permission must be kept. If prior written permission has not been obtained, young people may not be photographed or video recorded.

2.3 Activities Outwith the Establishment

Children and young people may take part in activities outwith the establishment where these activities are not under the direct management or control of Council staff. Here the control of photography or video recordings may not be possible. Where this is likely to be the case, it should be made clear to parents that parental agreement to their children participating in these activities will be taken as acceptance of the situation regarding photography. A statement to this effect should be included in requests for parental permission to attend the event. (Appendix 1).

2.4 Gathering Parental Permission

It is recommended that parental permission allowing photography and video recording should be incorporated into the process of enrolment at schools and educational establishments and all such records retained. An example is given in Appendices 1, and it is recommended that this be adopted by all Aberdeenshire Council Educational establishments.

Please note that where an exceptional event is taking place at the school or establishment, specific parental permission to take photographs, video or record the child is required in advance of the event. Time should be allowed for the necessary permissions to be collected. It is the responsibility of the event organiser to ensure the necessary permissions are in place prior to the event. An example of an exceptional event might be a film unit or a photographer coming into the school to make recordings of the children for use beyond the normal operational boundaries of the school. This might be for a news item or a promotional DVD, for example.

2.5 Written Agreement for External Agencies

The written permission of the head teacher or manager of the establishment is required before external agencies or other people can take photographs or make recordings in schools or establishments. Head teachers and managers should consider the purpose and source of the request for the recording session and decide if this needs to be flagged to a senior manager or Corporate Communications for advice and support. Advice should be sought from the Quality Improvement Officer for the school.

3. Acceptable Circumstances involving the Taking of Photographs or Video Recordings of Children and Young People

- 3.1 *Personal Identification and Record Keeping* – photographic images of individual pupils required for identification and security purposes. These photographs may be recorded and/or stored electronically in connection with the educational or other needs of the individual pupil. Photographs or recordings obtained for such purposes shall only be used for these purposes, and are confidential. In all instances prior permission must be obtained.
- 3.2 *School* – photography and video recording for school purposes in connection with pupil performance and assessment is well established, and in certain circumstances is essential. Photographs or video recordings made for such purposes shall only be used for such purposes. It should also be noted that no images should be taken or be recorded on cameras, iPads or other recording equipment personally owned by staff, volunteers or helpers.
- 3.3 *Other Activities* – schools and establishments are involved in activities such as concerts, sporting events, competitions, community events, off site excursions etc. Many of these take place in public settings where Aberdeenshire Council do not manage or control all aspects of the activity. The taking of photographs and video recordings will be the concern of the organizers, and agreement to participate may reasonably be taken as permission to be photographed or video recorded with possible publication or broadcast resulting. (Also see 2.3 above)
- 3.4 *Publicity Purposes* – schools and other establishments may promote awareness of their work through participation in public events, or seek opportunity for publicizing activities or achievements by the school or pupils. In all such circumstances prior permission must be obtained from parents/guardians.
- 3.5 *Parental Photography/Video Recording* – parents have a legitimate expectation to have, within reason, access to opportunities to photograph or video record the participation of children in educational activities and events in and beyond the school. Appropriate arrangements should be made as outlined below in section 4 and with reference to Appendix 2.
- 3.6 *Staff Development or Training of Teachers and Other Council Staff* – from time to time the taking of photographs or video recordings of pupil, teacher, or classroom activity may be required. Prior permission must be obtained from parents.
- 3.7 *School Web Sites and GLOW* – images of pupils may be used in connection with school web sites and GLOW, but pupils will not normally be identifiable. Schools and other establishments must conform to such additional advice on

Child Protection, Data Protection, and use of ICT as may from time to time be issued by the Council.

- 3.8 *School Class or Group Photographs* (taken by external companies) – prior written permission is required for this to take place. Note that the copyright of such photographs is outwith the control of the parents, schools, or the Council, and resides with the photographer.
- 3.9 *Security photographs* – these are considered confidential and must not be circulated outwith the Council.
- 3.10 *Newspaper Photography* – it is a well established practice to allow access, by agreement, for newspaper photographers to schools and establishments in support of the role of the school / establishment in the community. Prior parental permission must be obtained.

Where small groups of young people are being photographed, many newspapers will want to have the children in the small group named. Establishments should not agree to this, even where this may mean the picture will not be used by the newspaper.

4. Obtaining Permission and Granting Permission

4.1 Obtaining Prior Permission of Parents

In all circumstances where a school or other establishment needs to take photographic, digital or video images of young people, prior parental permission must always be obtained. Requests for such permission must always include a clear option for parents to refuse such permission (Appendix 1). Where a parent has concerns about the taking of photographs or video recordings at events such as concerts, head teachers and establishment managers must respect their wishes. Attempts should be made to reassure the parent on the purpose of the photography. It may be possible for a child's features to be hidden by a costume or a mask in a school show, for example and a parent may be happy with this. However, if a parent continues to withhold permission, this must be respected. This may mean explaining to parents that their children will be quietly taken to one side when photographs, directly controlled by Aberdeenshire Council, are being taken, say at the end of a performance.

It needs to be remembered that advances in technology have meant that cameras are routinely included in mobile phones, iPads and other forms of computers and tablets etc. While staff can manage the official photography opportunities, photography taken by parents, as well as by children and young people is very difficult to control.

Parents attending events & shows etc can be requested not to take photographs until the point in the performance agreed as the photo opportunity. Where information is being provided to parents prior to the event, instructions on the arrangements for photography should be included with this. This gives the opportunity for any questions raised by parents to be dealt with prior to the event and to reduce the likelihood of difficulties on the day.

However, we cannot ensure that the audience adheres to this arrangement. Parents, who withhold permission for their child to be photographed, should be reminded of this. It is hoped that despite this, they will still give permission for their child to take part in the event.

Head teachers/managers should consider issuing permission forms for completion to parents as part of the enrolment process. Note that parents have the right to withdraw their permission at any time, and should they do so, must be asked to confirm this in writing. See also 2.4 above. In addition to this, where an event is to take place which is exceptional and is unlikely to be covered by the routine permission slip then a separate permission for this event should be sought.

4.2 Granting of Permission to Parents to Take Photographs or Video Recordings in School or other Establishments

It is accepted that most parents should have reasonable opportunity to take photographs, digital, or video recordings of activities or significant events involving their children. Schools and establishments may arrange opportunities, where the management of the event or activity allows this to happen. Health and Safety, copyright, and the interests of all children or pupils involved in the event need to be taking into account when making such arrangements.

Individual establishments may need to issue specific instructions to staff to guide them on the management of photography in that establishment. Photography in swimming pools is not permitted without prior permission being sought and being given in writing.

Photography in any changing or showering/ toilet area is forbidden.

4.3 As part of the arrangements for off site excursions and events such as Rock Challenge, the establishment should agree with parents and the young people involved what permission has been given for the photography of young people and whether permission has been given for any photographs or images taken to be shared on social networking sites. Images should only be made in public areas. Photography in changing areas, for example, is not permitted.

- 4.4 The photographing or the recording of images of staff, volunteers or helpers, without their prior permission is not permitted.
- 4.5 Any images recorded in establishments or on off site excursions of children and young people or staff, volunteers and helpers can only be taken with prior permission as detailed above. Permission to take the photograph does not give permission to alter that photograph or to mount it or to share it on a social networking site or other internet location. Separate permission for this must be obtained before that can take place.
- 4.6 The protection and welfare of children in our schools and establishments is paramount.
The situation of individual children should be considered to understand how the taking of pictures might impact on them, in child protection situations. This must guide any arrangements we put in place. Where the location or the identity of a child is not to be made known, for example to other family members, then we must ensure this is the case.
The Named Person for the young person will be able to advise on the situation for the child.

5 Conclusion

This guidance is provided to help schools and establishments manage arrangements where the photography or recording of the images of young people and staff may take place.

It should be recognized that this guidance cannot cover every eventuality and advice can be sought from senior management, the Quality Improvement Manager , The Child Protection Officer and Corporate Communications to help you with the situations you may face.

***Parental Permissions: Draft Wording for Use by Establishments concerning Photography and Video/Digital-Recording**

The wording below is recommended for use in written communications with parents to obtain permission to photograph young people. All returns recording parental agreement/refusal should be retained on file.

The wording should be adapted to be specific to the type of establishment.

School Activities

I agree/do not agree to allow my child(insert name) being photographed or video-recorded in connection with all classroom and other school activities.

*Parental Name

Signature Date

Other Activities (including school concert, etc)

I agree to allow my child(insert name) to participate in the activities listed . I understand that such participation may lead to him/her being photographed or video recorded and to possible publication and identification.

I agree/do not agree to him/her being photographed or video-recorded during these activities.

Establishment to list activities by name and give space for initial for each.....

*Parental Name

Signature Date

School or Class Photograph

I agree to allow my child(insert name) being photographed or video-recorded in connection with all school or class photographs, including those by commercial photographers.

NB: I understand that copyright in such photographs belongs to the photographer involved, not the school or Aberdeenshire Council.

*Parental Name

Signature Date

*The term parent is defined as including guardian and any person who is liable to maintain, or has parental responsibilities or who has care of a young person.

APPENDIX 2

Parental Request for Permission to Take Photographs or Video Recordings on School Premises

Draft Cover Letter

It is recognised that from time to time parents of children and young people will want to take photographs of their participation in significant events. Schools and other establishments will try to provide such opportunities, where possible, taking account of the interests of other pupils and parents, Health and Safety and teaching and performance considerations.

Child protection can be a particular consideration as there are recognised risks associated with publishing images of children. Schools and other establishments are required to put in place appropriate arrangements and safeguards.

The primary purpose of school activities is to benefit the pupils, and the taking of photographs or video recordings during events in an inappropriate manner can seriously distract or upset pupils. It can also be a breach of copyright law, depending on circumstances.

In order that you may take photographs or video recordings of your child, the Head Teacher / manager of the establishment will arrange a specific opportunity, for this purpose. It should be noted that this opportunity will not necessarily be during actual performance in a concert or other activity, but at a more suitable time determined by the Head Teacher or manager.

We would very much appreciate your co-operation in completing the request for permission set out below. This will enable arrangements to be made to provide a suitable opportunity for you.

Name of School or Establishment

I.....(insert name) apply for permission to photograph or video record my child(insert name) participating in activities such as concerts, sports events, etc. I agree that, should permission be given, the photography or video recording will:-

- i) only take place at a time/place as directed by the Head Teacher or establishment representative;
- ii) that I will not interrupt or disrupt the performance or event;
- iii) that any photograph or video recording I make will not be sold or used for any commercial purposes whatsoever;
- iv) that any photographs or video recording are for personal/family use only, and that such recordings will not be copied on to third parties;
- v) that no attempt will be made to photograph or record children other than my own without the permission of the school / establishment. In addition, I agree to obtain the permission of the parents of any other children photographed before altering the images or mounting/sharing these on internet social networking sites, such as Facebook.
- vi) I understand that failure to comply with these conditions or such other reasonable instruction as may be issued to me by the Head Teacher or member of educational establishment staff will lead to withdrawal of such permission.

Please note that this gives your permission to take photographs or record images of your child only. It does not give permission to take photographs of staff, helpers or volunteers.

Parental Name

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Signature Date

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