

Oldswinford Church of England Primary School's

Use of images policy May 2020, Version 2



***In accordance with the 'Use of Images Guidance Version 6'
for children, young people and adults in the Dudley
borough.***

Date ratified by Governors:_____

Signed by C of G _____

To be reviewed: May 2023

Introduction

At Oldswinford C of E Primary School we take the safeguarding of children in our care very seriously, and work hard to ensure we 'get it right'. 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. Oldswinford CE Primary School and Dudley Safeguarding Children Board is committed to protecting and safeguarding all children in our school community and the borough to ensure as much as possible that they stay safe.

This Use of Images Guidance version six; 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 school 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.

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.

Oldswinford Church of England Primary School has used this document, national and LEA advice, and the context of our school community to create this policy.

Contents

Page

Section 1 Use of images in publications

Roles and Responsibilities

The use of images in the media

Section 2 Consent

Section 3 Images: Capturing and using them

Section 4 Safe storage of images

Section 5 Legal issues

Appendices

Appendix A General Consent forms – academic year

Appendix Ci Third party consent form

Appendix Cii Consent form for all adults (over 18 years)

Appendix D Media guidelines

Useful contacts information and complaints

1. Use of images in publications

At Oldswinford CE Primary School we have consulted with Dudley Safeguarding Children's Board and their partners, showing a commitment 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, our school and our school community must make sure that we/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 – consent form)
- 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.
- 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, truancy 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

Roles and Responsibilities

Designated Safeguarding Lead

1.2 It is the Designated Safeguarding Leads (DSL) role to liaise with LEA and Safeguarding board to create the use of images policy and review every two years or when Dudley review them.

Office Staff

- It is the office staffs' responsibility under management of the office manager to send out image consent forms each July for the start of the academic year, and compile electronic image consent data on Integris for each year group and class.
- At the start of the academic year class teachers will be given class consent list by the office from Integris giving the image consent status.
- The office will send use of image consent forms home every two weeks for a maximum of three times and then call to discuss with parents and reassure regarding any concerns, if a reply is not received.

ICT coordinator

- Supporting the DSL and the staff in carrying out this policy
- Ensuring the storage of images across the school complies with the policy.
- Setting equipment with automatic dates when filming or capturing images.

Class teachers (all staff) are responsible for ensuring they:

- Ask children for their permission before a photograph is taken
- Explain to children what the photograph will be used for
- Checking the image consent list with the office to ensure they do not take photographs of children whose parents have not given consent.
- When on school visits let others know they cannot take photographs. Or if they wish to do so separate permission before hand will need to be sought.
- Comply with all other parts in policy
- Seek new permission for change of purpose for an image.
- Explain and discuss with parents who have not given consent that some parents will take photographs during assemblies and seek their preferences (especially with regard to LAC adopted and safeguarding).
- Deleted photographs as soon as possible after they have been used for the purpose intended, no longer than three months after taking them.
- Photographs and films should only be stored on our school's designated central storage code accessed system and not on any cameras, memory sticks, or individual devices.
- All videos, films and images must have the digital date encrypted at the time of capturing.

Parents are responsible for:

- Not using mobile phones in school
- Only taking photographs when permitted to do so by the Head/Deputy Head Teacher.
- Only use the images strictly for personal use
- Not sharing images of other children on social websites
- Sharing their wishes through the consent forms or raising concerns with the DSL if they are unsure

The use of images in the media

1.3 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, we will 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 we may publish their full names 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

1.4 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

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

1.6 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.

1.7 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.

1.8 At Oldswinford CE Primary School we will seek consent at the beginning of each academic year. However, while consent may be given at the beginning of each academic year, 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.

1.9 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. To date Oldswinford CE Primary School have not purchased such plan.

2. Consent

2.1 It is essential that consent is always given by the parent/guardian or carer BEFORE an image is captured. However, we do understand in certain circumstances we may need to seek further consent. See 1.8

At Oldswinford Primary School we choose to seek written parental consent each academic year.

2.2 General consent forms will be sent to parents/carers each year. If a member of staff is intending to use an image of a child/children for a different purpose than originally intended, it will be their responsibility to liaise with the office staff to ensure new consent forms are sent to parents to explain the purpose of the change of intention and to seek specific consent for that purpose.

2.3 Similarly, consent will also need to be sought again from the staff member requiring the image 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 as stated on our consent form for the academic year.

2.5 If our 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.

3. Images: capturing and using them

3.1 We will always give consideration 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.

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 Our school consult with the council's communications and public affairs team in order to prevent any misuse of images, and supports a robust policy.

3.4 Any professionals taking images of children or young people in our employment capacity must obtain explicit permission from the head teacher or deputy head in the head teacher's absence.

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.

3.65 All equipment should be set with automatic date functions for each image/film. Staff should ensure this is set before capturing an image/images.

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 new consent.

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

At Oldswinford, photographs, or a photograph should not be used for any purpose if it has been made clear that this is against the wishes of the pupil/family in/of the photographs, for any reason.

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 Sainsbury's School Games, separate parental consent is required by the organiser of the event to capture images and use them. The school's 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 1.3).

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 our 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.

The person introducing the performance will be responsible for informing the audience that photographs can be taken but ask that for safeguarding reasons they are not posted on social network websites and to be used for personal use only.

If a video or photographs of any production are for commercial purposes i.e. the school videoing and selling to parents, we 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 cameras 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 will 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. To date Oldswinford CE Primary School uses very little and is mainly used for staff training.

Mobile Phones

3.12 For pupil and adult protection Oldswinford CE Primary School is a mobile free school. This means that year 5 and 6 pupils who have consent to walk to and from school can bring phones into school, but must leave them locked in the designated draw by the school office during the day. Staff must have their mobile phones switched off or on silent and out of sight in a cupboard/drawer etc but not on their persons. Staff and volunteers who have undergone full safeguarding checks can use phones in the staff room and in some offices by prior arrangement as long as pupils are not present. Visitors must have phones on silent and in pockets/handbags except in the hall where performances are taking place and taking photographs has been permitted for that performance.

Other photographic and image capturing equipment

3.13 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.

Checklist

- Always seek written consent from the parent/guardian or carer BEFORE taking photographs (generally covered in annual consent forms)
- Does other written consent outside of our annual consent need to be sought?
- Ensure consent forms are stored safely and securely and under the obligations of the Data Protection Act

- Ensure any professional taking images had explicit permission from their manager or head teacher and has ensured any 3rd party taking images has sought appropriate permission and completed relevant forms in line with this guidance
- Ensure only equipment authorised by the organisation is used
- Deal with concerns about inappropriate use of images in line 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 which we adhere to. 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, although as a rule once we have used the images for the purpose intended we delete the images.

4.2 If it is appropriate to retain digital copies, we will store them in the same way - on a secure network location. It is not permitted to store on any school's or personal memory sticks, laptops, or other devices. Photographs and films should be deleted as soon as possible from cameras once they have been used or uploaded.

These procedures will allow us 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.

We will delete photographs as soon as possible after they have been used for the purpose intended, no longer than three months after taking them.

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 the staff members responsibility who delivers the 'safety and welcome' talk before each performance to state the following:

' During this performance you are able to take pictures or film, as long as it does not distract the children or spoil the enjoyment for the audience. Please do not use flashes. For the safeguarding of individuals and our school community, we ask that you do not place any recording or images on social networking sites, such as Facebook or YouTube, unless they are only of your individual child. The name of our school must not be placed alongside such footage. Thank you.'

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 will 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 file store 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 take the photos, XYZ-Photos will be the copyright owner and control how they are used.

Appendix A

Parental consent form for Oldswinford C of E Primary School – academic year 2017/18

Oldswinford C of E Primary School supports Dudley Safeguarding Children Board and Dudley Children's Trust 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 general consent to use photographs and film in the following ways:

- School website. This will include prospectus, newsletter and curriculum documents. These show school visits, trips, enrichment activities and student success/, celebration assemblies and extra curricular activities etc. National guidance recommends young people should not be named on a website alongside their image.
- Displays within the school.
- External exhibitions.
- Press articles.
- In own and other children's books and learning journeys

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

I **agree** to my child's image being used as outlined above ☐

I **do not agree** to my child's image being used as outlines as above ☐

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.

Name of child/young person.....

Class.....**Year group**.....

Signed parent/carers.....**Date**.....



Appendix Ci

Oldswinford C of E Primary School Third Party Consent form

Consent form for the use of photographs, video or web by (company name)

.....
Date: **Signed**.....

Purpose: (General publicity (Including posters, leaflets, publications, training and website)

Other:.....
.....
.....

Signed DSL/HT.....**Date:**.....

Dudley Safeguarding Children Board and Oldswinford Church of England Primary School 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.

I do I do not give consent for my child/young person's image to be used as described above.

Relationship Print name
.....

Signed Date **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:
.....

Oldswinford C of E Primary School 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 Mrs Birchall on 01384 818790 to report it.

Appendix Cii

Oldswinford C of E Primary School

Consent form for all adults (over 18 years)

Consent form for the use of photographs, video or web

Oldswinford C of E Primary School supports 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:.....

Oldswinford C of E Primary School as advised and supported by 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 school on 01384 818790.



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 wellbeing 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



Information and complaints

For further information regarding this policy, or if you have any concerns or complaints please contact the school on 01384 818390 and ask to speak to the Designated Safeguarding lead Mrs Birchall or Deputy Mrs Seker, who will be happy to discuss your concerns.

Alternatively e-mail info@oldswinford.dudley.sch.uk and we will contact you as soon as we are able. Please note, e-mail response may be slower.

If you have a complaint and you are not satisfied with the headteachers investigation of your concern, please follow the complaints procedure on the schools website.