



use of images guidance

for children, young people and
adults in the Dudley borough

version twelve



foreword

As a young person, and as chairperson of Dudley Youth Council, it's reassuring to know that there is protection of children and young people through the use of their images. This important document provides guidance in regards to the correct use of their images to minimise the risk. I urge that full advantage is taken of this document, further protecting Dudley's children and young people. Social media plays a huge and important role within the modern age, and it is a very beneficial way to reach people, but with this come great risk. With more and more people using social media, I am pleased to see the new social media criteria that has been added.

Oliver Preece

Chairperson of Dudley Youth Council

We feel that this document provides great assurance with the practical measures in place to support in the protection and empowerment of the vulnerable adult citizens of the Dudley borough through the use of their images. This is especially pertinent as we are in an era where social media is moving at a remarkable rate and as a consequence forcing the importance of ensuring that social media safeguards are in place which are outlined within this document. The greater the threat, the greater our response will be to safeguard those who we are here to protect from any form of abuse.

Safeguarding is Dudley's business. Safeguarding is everyone's business.

Dudley Adult Safeguarding

introduction

Taking pictures and videos of a persons 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 and adults are at risk of abuse or exploitation through advances in technology. Dudley Safeguarding People Partnership (DSPP) are committed to protecting and safeguarding all children, young people and adults in the borough to ensure as much as possible that they stay safe.

This guidance is produced and endorsed by Dudley Safeguarding People Partnership and Dudley Safeguarding Adults Board. West Midlands Police have also contributed to the section on inappropriate use of images

Section 11 of the Children Act 2004, Section 175 of the Education Act 2002 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. Section 43(2) of the Care Act (2014) state that the objectives of a Safeguarding Adults Board is to help and protect adults in its area in case of the kind described in section 42(1) including the needs for care and support and as a result of those needs, is unable to protect himself or herself against the abuse of neglect or risk of it. Data Protection Law 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.

Member organisations of the DSPP inevitably generate images of children, young people and 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 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 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 DSPP. Details are listed at the end of this document.

contents

page

Section 1	Use of images in publications and media relations	7
Section 2	Consent	9
Section 3	Images: Capturing and using them	11
Section 4	Safe storage of images	19
Section 5	Legal issues	20
	Useful contacts	37



appendices

Appendix A	Consent forms	22
Appendix Ai	Parental consent form for schools - academic year	
Appendix Aii	Parental consent form for schools - covering the child's duration at the establishment	
Appendix B	Parental consent form for EYFS provision and reception classes	26
Appendix Ci	Consent form for children and young people	27
Appendix Cii	Consent form for all adults (over 18 years)	
Appendix D	Parental consent form for use of images of children and young People on social media platforms	32
Appendix E	Media guidelines The Broadcasting Standards Commission The ITC Programme Code BBC Producer's Guidelines UK Press Complaints Commission Code of Practice	34
Appendix F	Provision within legal acts and directives Care proceedings Human Rights Act 1998 United Nations Convention on the Rights of the Child Data Protection Act 1998 including security of information and images, and destruction policy	36



I. use of images in publications

Dudley Safeguarding People Partnership and their partners are committed to working with the media to communicate key messages and information to the community in a proactive manner.

- I.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 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 (see appendices for template forms)
- Always seek written consent from adults over the age of 18 (see appendices for template forms)
- Always ensure that this consent is recorded on the standard form, which is included with this policy. The forms can also be downloaded from www.dudleysafeguarding.org.uk, or your Dudley Safeguarding People Partnership 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 2018/2019 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

- I.2 Similar rules apply for the use of images in the media, 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. **Consideration must be given as to where the media will use the image e.g social media platforms. It is important and best practice not to name children if published on a social media platform (see section 3.10).**
 - 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
 - Consider alternatives. Is a photograph of the children necessary or could an article be illustrated by the children's work for example.
- I.3 It is important to recognise that the media is also required to meet agreed guidelines when working with children/young people and some 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
- I.4 More detailed information on these guidelines is in the appendices of this policy.
- I.5 It is important to judge whether co-operating with a photography or filming request is in the interests of your organisation.
- I.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.

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.
- 2.2 It is advised that consent is obtained by educational establishments 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.
- 2.3 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.
- 2.4 Choose one of the following suitable for your organisation

Ai	Parental consent form for educational establishments - academic year
Aii	Parental consent form for educational establishments - covering the child's duration at the establishment
B	Parental consent form for Early Years Foundation Stage
Ci	Parental consent form for children and young people (for organisations other than schools)
Cii	Consent form for all adults (over 18 years)
D	Parental consent form for the use of images of children and young people on social media platforms

- 2.5 Clear records must be kept to demonstrate consent. There may be capacity under the IMS system (for Dudley schools) or similar to record this consent.
- 2.6 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.
- 2.7 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 organisation to withdraw consent.



2.8 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)

2.9 If school children are invited to an event organised by a third party where images will be captured, separate explicit written parental consent (e.g. appendix Ci) is required by the organiser of the event e.g. Black Country School Games, a visit to the Houses of Parliament. **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, or an individual e.g. a member of parliament 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. **If the 3rd party intend to use the images explicit separate written consent must be gained by the 3rd party stating explicitly what the images will be used for.**

This also applies to learning journeys hosted by a private provider and work experience organisation.

2.10 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 willful neglect and be referred to their professional body. Visit <https://ico.org.uk/concerns> for more information.

2.11 Consent forms should be kept for the period of time the image is being used.

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 written 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 contacting the subject to regain consent.

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 Black Country 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).

Social media

- 3.10 There is a high risk associated with using images of children and young people on social media platforms due to the ability to easily share the images, use them inappropriately and third parties identifying individual children with a location e.g. by tagging. Also, once images are shared the ability to erase the images is significantly reduced or, in cases of mass sharing, is impossible. It is strongly advised that images of children are not published where they can be clearly identified.

Where images are used on social media platforms, consider the following good practice to minimise risk of unsolicited attention:

- Has explicit written parental consent been gained using the social media form? (appendix D)
- Consider the camera angle: images taken over the shoulder or from behind are less identifiable
- Is the capability to share/retweet deactivated?
- Using group shots not individual shots
- Keep information to an absolute minimum in order to minimise the risk of grooming
- Consider the clothing of the children e.g. avoid swimming costume shots
- Consider using a piece of the child's work as opposed to an image of them
- Does your organisation's social media manager/administrator approve followers on your organisation's platform?
- Is your platform a closed group or in the case of twitter a private account (shown with a lock icon) e.g. in respect of twitter, this means all the published tweets are protected and will only be seen by current followers who are approved to follow as the capability of retweeting is deactivated. The organisation has the choice to approve or deny a follower request. This is best practice for organisations when publishing images of children on social media.

Apply the same principles as children are taught to keep themselves safe online.

Children's names should never appear alongside their image on any organisations social media platforms.

Videos and photographs

- 3.11 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 forms in the appendices 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.

Video and online conferencing/lessons

- 3.12 Corona virus has changed the ways schools and organisations interact with children, young people and families with a refocus on new technology. There are many benefits to the new ways of interacting but there are also important safeguarding considerations.

Recording of video conferences

The ability to record a lesson, tutorial or meeting has many advantages. It can benefit a number of learning activities, including the delivery of training events, briefings, webinars and the discussions of projects; discussions and content can then be referred to or made available as an ongoing resource.

However, where video conferencing is used such as zoom and Microsoft Teams consider the following safeguarding points:

NB for the purpose of this the term participant refers to a child, young person or vulnerable adult

- It is best practice for staff members not to hold one-to-one video conferences with a participant due to safeguarding risk. Where a video conference is required with an individual it is best practice to have two members of staff present on the video conference.
- Ensure staff members work against a neutral background. Staff should present themselves as they would if they were giving a face-to-face lesson/ meeting both in dress and in manner
- Participants should have a neutral background and should present themselves as they would in a face to face lesson/tutorial/meeting and dress appropriately e.g. not in their sleep wear or dressing gowns
- Where lessons/tutorials are delivered to a class, parents/carers and students should be provided with safeguarding and etiquette guidance in advance of the lesson/ tutorial e.g. the student should participate in a room with an open door and parents/

carers should try and ensure a trusted adult is in the same premises as the student while the lesson takes place

- If the school/organisation choose to record the lesson/tutorial/meeting is there a lawful basis for this? The legitimate interest needs to take into account the rights and freedoms of the individual and where the participant does not wish to or consent to be recorded their camera should be switched off. Video conferencing participants should also ensure they have muted their microphone if they do not wish to be recorded
- Is there a need for the participant to have the camera switched on? The participant should have a choice in this
- Where the lesson/tutorial/meeting is recorded with the participants camera on and thus capturing their image, full written parental / carer consent must be sought using Appendix Ai or Aii for schools or Ci for organisations other than schools. Where consent is not given the lesson/ tutorial/meeting must not be recorded if the participant has their camera/microphone switched on.
- Where the lessons/ tutorials / meetings are recorded parents / carers should be informed of
 - the lawful basis for this, which must be documented in your Privacy Notice
 - the period of time the recording will be kept for
 - where it will be stored
 - who has access to the recording
- Screenshots must not be taken by either staff or participants
- Participants should be reminded that the chat facility on the video conferencing must not be used for personal discussions either during the conference or after

Retention of chat and conversations

Some video conferencing platforms save a copy of all chat and all conversations (one to one and group), even if you delete it afterwards. You should be aware that anything you write down could be asked for in an information access request.

Make sure you do not write anything that you would not want someone else to read.

Recording of Safeguarding meetings

For recording safeguarding meetings please refer to

<https://esafeguarding.org/publications/PSW-and-SWE-Best-Practice-Guide-for-Video-Call-and-Virtual-Home-Visit-20200505.pdf>

What topics should I not record?

Recording of a video conference is not permitted for some limited matters. If you have any doubts as to whether your video conference will fall under any of the below categories, you should contact your organisations Designated Safeguarding Lead and Data Protection Officer in the first instance for advice.

Call recording is not permitted where the meeting includes discussions about individuals with regards to any of the below. This includes current, former or prospective students, staff or service users:

- Counselling, wellbeing or welfare
- any disciplinary hearing including those relating to safeguarding

Other photographic and image capturing equipment

- 3.13 Multi media messaging service mobile phones and other devices can take and transmit images, which are personal data. The use of photographic and image capturing equipment should only be used in accordance with this guidance.

Inappropriate use of images

- 3.14 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).

Sexting

Where settings have concerns regarding sexting the following guidance should be followed

goo.gl/VygxC5

All incidents will need to be recorded (not reported) including both the actions taken as well as the actions not taken with justifications. The images should be deleted by police (if involved) or the setting before devices are handed back.

Remember: The production and distribution of sexting images involving anyone under the age of 18 is illegal and needs very careful management for all those involved.

Step 1:

If a device is involved - confiscate it and set it to flight mode or, if not possible, switch it off.

Step 2:

Seek advice - report to your designated safeguarding lead via your normal child protection procedures

Record all incidents of sexting, including both the actions you did take as well as the actions you didn't take and give justifications. In applying judgement to each incident, consider the following:

- Is there a significant age difference between the sender/receiver involved?
- Is there any external coercion involved or encouragement beyond the sender/receiver?
- Do you recognise the child as more vulnerable than usual i.e. at risk?
- Is the image of a severe or extreme nature?
- Is the situation isolated or has the image been more widely distributed?
- Are there other circumstances relating to either sender or recipient that may add cause for concern i.e. difficult home circumstances

If any of these circumstances are present, then do escalate or refer the incident using your normal child protection procedures. This includes reporting to the police

If none of these circumstances are present, then manage the situation accordingly within the setting without escalating to external services. Record the details of the incident, action and resolution.

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

Incidents which require escalation in line with the sexting guidance 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, in line with the sexting guidance, this must be referred to the Police as a crime, and Children's social care in line with the Referrals Procedure.

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

If a safeguarding referral is required in line with the sexting guidance, 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 settings

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

1. Are any of the above circumstances present? 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 pornography). 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?
5. If yes any electronic devices will need to be secured.

Searching, screening and confiscation of devices

Department of Education Guidance: Searching, screening and confiscation Advice for headteachers, school staff and governing bodies January 2018 is attached in the link explaining the powers schools have to screen and search pupils, and to confiscate items they find.

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

Section 13 refers to Items found as a result of a 'without consent' search including pornographic images

(13) Items found as a result of a ‘without consent’ search

If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or indecent image of children) in which case it must be delivered to the police as soon as reasonably practicable.

Section 15 gives particular guidance on electronic devices

(15) Statutory guidance for dealing with electronic devices

- Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person’s mobile phone if it has been seized in a lawful ‘without consent’ search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device:
 - In determining a ‘good reason’ to examine or erase the data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
 - If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.⁴
 - If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
 - All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school’s approach to it is reflected in the child protection policy.

Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

Communicating using 3rd Party Apps (for schools)

3.15 It is recognised that educational establishments may be using 3rd party Apps to communicate with parents and carers of children and young people on their school role i.e. an App that can be downloaded onto a mobile device.

The use of Apps comes with safeguarding responsibilities.

Important things to consider:

- How do you ensure that only parents and carers of children and young people on your school role have access to this App? Information that you post via this App should only be visible to parents and carers within your school community
- Schools should be aware of the functionality of the App that is being used and promoted e.g can posts or notifications be shared on other social media platforms which creates a safeguarding risk?
- Have you used appendix D (or Cii for adults) to gain parental consent for using images on social media? This applies to the use of 3rd party Apps where photo albums are available
- Schools have a responsibility to annually review and manage access to the App e.g removing past pupils parent and carer details
- If you are unsure about using a 3rd party App please contact Dudley Safeguarding Children Board

NB Although this example refers to schools, the principals apply to all organisations using Apps.

checklist

- Always seek written consent from the parent/guardian/carer or advocate BEFORE taking photographs
- Be mindful of the platforms where the image will be published
- Ensure consent forms are stored safely and securely and under the obligations of Data Protection Law
- 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 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 Law

- 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 Data Protection Law applies to the processing of them, this includes capturing images, holding images, storing images, sharing images and destroying images.

The Principles defined within the General Data Protection Regulation (GDPR) 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.

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 Data Protection Law 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 Data Protection Law does not apply
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and Data Protection Law does not apply

Security of information and images

- 5.2 Data Protection Law 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 6 of the GDPR would apply in that, personal data shall be: Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

This has to be read in conjunction with Article 32 (1) of the GDPR that states:

‘Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk’

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

Appendix Ai

Parental consent form for educational establishments academic year

Insert name of school/setting support Dudley Safeguarding People Partnership 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.

In order to comply with Data Protection Law, explicit consent is required for each area we use the images for. **Please sign the areas you consent to individually.**

- **Use by the press (NB this may include sharing on social media platforms. There are risks associated with this)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- **General publicity (leaflets, posters, documents)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- **School websites**

I agree to my child's image being used as above signature.....

National guidance recommends children should not be named on websites alongside their image

- **School prospectus**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- **Newsletter**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature



• **Displays around the setting**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature

• **Curriculum documents**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature

• **Training materials (eg where images are taken and used in training materials for staff)**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature

• **Images made available to purchase via the internet (where applicable eg when a photographer comes into the setting and takes photos commercially)**

I agree to my child’s image being used as above signature.....

• **Use in learning journey/portfolio (where applicable)**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature

• **Use in the learning journeys/portfolios of other children who attend the educational establishment (where applicable)**

I agree to my child’s image being used as above signature.....

It is recommended that children are not named in other children’s learning journeys

• **Capturing images via recording of video conferencing eg Zoom, Microsoft Teams meetings/ tutorials/lessons**

I agree to my child’s image being used as above signature.....

• **Live streaming and recording of events**

I agree to my child’s image being used as above signature.....

You do have the right to withdraw consent at any time by writing to the Headteacher
If you need clarification or are concerned about the use of your child’s image please contact the school.

Name of child/young person Year group

Signed parent/carer Date

Steps will be taken 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://safeguardingchildren.dudley.gov.uk> or visit the Information Commissioner <https://ico.org.uk/concerns/>



Appendix Aii

Parental consent form for educational establishments (covering the child's duration at the establishment)

Insert name of school/setting support Dudley Safeguarding People Partnership 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.

In order to comply with Data Protection Law explicit consent is required for each area we use the images for. **Please sign the areas you consent to individually.**

- **Use by the press (NB this may include sharing on social media platforms. There are risks associated with this)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- **General publicity (leaflets, posters, documents)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- **School websites**

I agree to my child's image being used as above signature.....

National guidance recommends children should not be named on websites alongside their image

- **School prospectus**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- **Newsletter**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

• **Displays around the setting**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

• **Curriculum documents**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

• **Training materials (eg where images are taken and used in training materials for staff)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

• **Images made available to purchase via the internet (where applicable eg when a photographer comes into the setting and takes photos commercially)**

I agree to my child's image being used as above signature.....

• **Use in learning journey/portfolio (where applicable)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

• **Use in the learning journeys/portfolios of other children who attend the educational establishment (where applicable)**

I agree to my child's image being used as above signature.....

It is recommended that children are not named in other children's learning journeys

• **Capturing images via recording of video conferencing eg Zoom, Microsoft Teams meetings/ tutorials/lessons**

I agree to my child's image being used as above signature.....

• **Live streaming and recording of events**

I agree to my child's image being used as above signature.....

You do have the right to withdraw consent at any time by writing to the Headteacher

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

Name of child/young person Year group

Signed parent/carer Date

Steps will be taken 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://safeguardingchildren.dudley.gov.uk> or visit the Information Commissioner <https://ico.org.uk/concerns/>



Appendix B

Parental consent form for use of images for Early Years Foundation Stage

Consent form for the use of photographs, video or web

Insert name of setting support Dudley Safeguarding People Partnership in recognising the need to ensure the welfare and safety of children and young people.

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

Legal requirement

In order to comply with Data Protection Law, a lawful basis is required before capturing images, which are classified as data, of a child. Obtaining consent from either the parent, guardian or legally appointed representative of the child provides that lawful basis.

I would therefore like to ask for your consent for image capturing, either through photography or videoing, of your child in the following ways. As part of our commitment to safeguarding, consent is also required separately to name children in material used by the press.

Please sign the areas you consent to individually.

Child's name

For the purpose of:

- Use by the press (NB this may include sharing on social media platforms. There are risks associated with this)

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

- Websites

I agree to my child's image being used as above signature.....

National guidance recommends children should not be named on websites alongside their image

- Publications - leaflets, posters, documents

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature

NB Children are not usually named in general publicity

- Newsletter

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature



• **Displays around the setting**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Curriculum documents**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Training materials (eg where images are taken and used in training materials for staff)**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Images made available to purchase via the internet (where applicable eg when a photographer comes into the setting and takes photos commercially)**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Learning journeys**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Other children who attend the setting learning journeys**

I agree to my child’s image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Capturing images via recording of video conferencing eg Zoom, Microsoft Teams meetings/ tutorials/lessons**

I agree to my child’s image being used as above signature.....

• **Live streaming and recording of events**

I agree to my child’s image being used as above signature.....

Relationship Print name

Signed Date

Contact telephone number

You do have the right to withdraw consent at any time.

To withdraw consent please contact

The setting 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://safeguardingchildren.dudley.gov.uk> or visit the Information Commissioner <https://ico.org.uk/concerns/>



Appendix Ci

Parental consent form for use of images of children and young people

Consent form for the use of photographs, video or web

Insert name of organisation support Dudley Safeguarding People Partnership in recognising the need to ensure the welfare and safety of 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 Data Protection Law, a lawful basis is required before capturing images, which are classified as data, 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 would therefore like to ask for your consent for image capturing, either through photography or videoing, of your child in the following ways. As part of our commitment to safeguarding, consent is also required separately to name children and young people in materials.

Please sign the areas you consent to individually.

(insert child's name)

For the purpose of:

- **Use by the press (NB this may include sharing on social media platforms. There are risks associated with this)**

I agree to my child's image being used as above signature

I agree to my child being named alongside their image signature

- **Websites**

I agree to my child's image being used as above signature

National guidance recommends children should not be named on websites alongside their image

- **Publications - leaflets, posters, documents**

I agree to my child's image being used as above signature

I agree to my child being named alongside their image signature

NB Children are not usually named in general publicity

- **Newsletter**

I agree to my child's image being used as above signature

I agree to my child being named alongside their image signature



• **Training materials**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Images made available to purchase via the internet (where applicable eg when a photographer comes into the setting and takes photos commercially)**

I agree to my child's image being used as above signature.....

• **Use in learning journey/portfolio (where applicable)**

I agree to my child's image being used as above signature.....

I agree to my child being named alongside their image signature.....

• **Use in the learning journeys/portfolios of other children who attend the educational establishment (where applicable)**

I agree to my child's image being used as above signature.....

It is recommended that children are not named in other children's learning journeys

• **Capturing images via recording of video conferencing eg Zoom, Microsoft Teams meetings/tutorials/lessons**

I agree to my child's image being used as above signature.....

• **Live streaming and recording of events**

I agree to my child's image being used as above signature.....

Relationship Print name

Signed Date

Contact telephone number

Email address

Postal address and postcode

.....

You do have the right to withdraw consent at any time.

To withdraw consent please contact

The organisation 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://safeguardingchildren.dudley.gov.uk> or visit the Information Commissioner <https://ico.org.uk/concerns/>



Appendix Cii

Consent form for adults (aged 18 and over)

Consent form for the use of photographs, video or web

Insert name of organisation

In accordance with Data Protection Law, photographs, videos or other images of adults will not be taken without their written consent. Where images of adults are taken, capacity under the Mental Capacity Act 2015 will be determined and consent obtained from them, their carer or advocate where appropriate. **Please sign the areas you consent to individually.**

For the purpose of:

- **Use by the press (NB this may include sharing on social media platforms. There are risks associated with this)**

I agree to my image being used as above signature

I agree to being named alongside my image signature

- **Websites**

I agree to my image being used as above signature.....

I agree to being named alongside my image signature.....

- **Publications - leaflets, posters, documents**

I agree to my image being used as above signature

I agree to being named alongside my image signature

- **Newsletter**

I agree to my image being used as above signature

I agree to being named alongside my image signature

- **Training materials**

I agree to my image being used as above signature

I agree to being named alongside my image signature

- **Social media**

I agree to my image being used as above signature

I agree to being named alongside my image signature



- Capturing images via recording of video conferencing eg Zoom, Microsoft Teams meetings/ tutorials/lessons

I agree to my image being used as above signature

- Live streaming and recording of events

I agree to my image being used as above signature

If you are completing for an adult due to capacity insert adults name

.....

Name and relationship to this adult (where applicable)

Print your name Relationship

Signed Date

Contact telephone number

You do have the right to withdraw consent at any time.

To withdraw consent please contact

The organisation 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://safeguardingchildren.dudley.gov.uk> or visit the Information Commissioner <https://ico.org.uk/concerns/>

Appendix D

Parental consent form for use of images of children and young people on social media platforms

Consent form for the use of photographs, video or web

Insert name of organisation support Dudley Safeguarding People Partnership in recognising the need to ensure the welfare and safety of all children and young people.

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

Legal requirement

In order to comply with Data Protection Law, a lawful basis is required before capturing images, which are classified as data, 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 would therefore like to ask for your consent for image capturing, either through photography or videoing, of your child in the following ways.

(insert child's name)

For the purpose of:

- Use on social media platforms

I agree to my child's image being used as above and understand that once the image goes onto a social media platform it is out of the control of the organisation as to where that image further appears, who has access to it or what it's used for and by whom. I understand the risks associated with this including that a third party may identify my child without my consent or knowledge.

Signature

Children will never be named by this organisation alongside their image on social media platforms

Relationship Print name

Signed Date



Contact telephone number

Email address

Postal address and postcode

.....

You do have the right to withdraw consent at any time.

To withdraw consent please contact

The organisation 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://safeguardingchildren.dudley.gov.uk> or visit the Information Commissioner <https://ico.org.uk/concerns/>



Appendix E

Media guidelines

(a) 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 F

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 People Partnership

<https://safeguarding.dudley.gov.uk>



**Dudley Safeguarding
People Partnership**



