



Photography and Filming Policy

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This document reflects the safeguarding needs of the children and young people that Spurgeons Children's Charity works with, in the context of photography and filming (video). It is aligned closely with other key safeguarding and organisational policies, procedures and standards.

1.0 Purpose and Scope of this Policy

Spurgeons Children's Charity ("Spurgeons") works with children and families as part of its activities. These include Children's Centres and a range of other activities which are designed to support children at risk of harm and abuse elsewhere, Young Carers, BeLeave.

1.1 The purpose of this policy statement, which applies to all staff, volunteers and other adults associated with Spurgeons is to:

1.1.1 Protect children and young people who take part in Spurgeons services, events and activities, specifically where photographs and video may be captured

1.1.2 Set out the overarching principles that guide our approach to photographs and/or videos being taken of children and young people during our events and activities

1.1.3 Ensure that we operate in line with our values and within the law when creating, using and sharing visual images of children and young people.

1.2 When we showcase Spurgeons activities, through photographs and video, engagement with the general public and, more importantly, potential members and donors is increased. With a few simple guidelines our photography and filming (digital assets) of Spurgeons activities and events will ensure we protect others while creating content to promote ourselves and the work which we are called to do.

2.0 Managing Personal Data

Photography and video is considered personal data when it features individuals that are identifiable. So, as with all personal data, we need to consider how it is managed.

2.1 Informing and gaining permission

2.1.1 It is always best to plan in advance before capturing photography and video. The most important element of this guidance is ensuring that individuals are well informed in advance of the capture and have opportunity to express their wishes. On occasion, individuals or parents will have good reason to request photos and/or video are not shared.

2.1.2 It is important to understand what content we have, and for what event, so we are able to satisfy such requests. We can inform people of our intentions, and request their consent at the same time as other data is collected, as part of an attendance form for an event or activity. For children and young people under 18 years of age, this will need to involve a parent or guardian. Spurgeons' Photography and Filming Consent Form can be used for this purpose and this is included herein as Appendix A.

2.2 Legitimate interest

On occasion it is not practical or even possible to have gained formal consent from every individual who may feature in photography, video or audio. An example situation could be a large-scale event where the volume of attendees is high, and the event is spread over a large area. It is a reasonable expectation that photography, video and audio will be captured at an event like this and that the digital assets will have minimal impact on the individuals in question. In these situations, it is important to at least inform individuals of our intentions with regards to photography, video and audio at the point of entry or around the event area. This can be as visual signage or literature handed out around or even before the event. Informing people of our intention lets them know that we have a legitimate interest to create digital assets and provides the opportunity for people to express their wishes.

2.3 Advertising, marketing or media coverage

2.3.1 When digital assets may be used for a very public purpose, such as specific marketing or an editorial, an overarching release form will ensure that consent is captured for digital assets of an individual and is the ideal solution for advertising, marketing and media coverage.

2.3.2 A release form is not a legal requirement, as the copyright of an image belongs to the photographer and not the subject. Nevertheless, it is considered best practice and is a good way to prove consent for managing personal data. In most cases this will be provided by the professional capturing the digital assets, otherwise Spurgeons' Photography and Filming Consent Form can be used for this purpose and this is included herein as Appendix A.

2.4 Media coverage

2.4.1 A picture is worth a thousand words. A newspaper photographer attending a Spurgeons event will usually request that the imagery they capture is accompanied by the names of the individuals in the photographs. It is important that consent is obtained by them using a release form in advance in order to avoid any confusion or disappointment. It is only necessary to give first name/s and age/s to external media companies; that is justifiable and appropriate. However, we must never provide the full address of the young person.

2.4.2 For group photos, ask the media company to use a collective term to describe who or what is portrayed in the photo. Photographs taken by press photographers that invade personal privacy are subject to the normal Independent Press Standards Organisation Code of Practice (<https://www.ipso.co.uk/editors-code-of-practice/>).

2.5 Seeking young people's permission

When creating content our photographer or videographer should ask for the young person's permission to use their image. This ensures that they are aware of the way the image will be used. This does not need to be a formal permission form, an informal verbal agreement that explains what the photo will be of and how it will be used is sufficient and is in addition to consent already given.

2.6 How to manage situations when consent isn't given

Young people should never be consciously made to feel excluded, therefore some practical examples of managing this include:

2.6.1 Confirm with parents and/or carers that the young person who cannot have photographs taken of them is either aware of this or not,

2.6.2 Do not take photographs of an entire group and exclude one person, take photographs in smaller groups so that less attention is drawn to the young person who cannot be in photographs, and

2.6.3 Consider splitting the activity group up into two so that the photographer can photograph the group where everyone has given consent across all activities.

2.7 Administering consent

If we have a set of members at a large event who have requested that their personal data is not shared through photo or video content then we need to look for a suitable way to remove them from the content we create. For example, we could add a note to an event lanyard, pass or name badge to identify them to content creators.

3.0 Managing Personal Data Summary

The Data Protection Act 2018 (GDPR) impacts our use of photography and filming. Not only must consent be asked for, and given, before any photography or filming involving the children or families we work with takes place, but also adherence to storage issues, both in terms of security and longevity of storage is a legal requirement.

4.0 Legal Framework

The balance of this policy has been drawn up on the basis of legislation, policy and guidance

that seek to protect children across the UK. Summaries of key legislation and guidance are available on:

4.1.1 Online abuse - <https://learning.nspcc.org.uk/child-abuse-and-neglect/online-abuse>

4.1.2 Child protection - <https://learning.nspcc.org.uk/child-protection-system>

5.0 We Believe That:

5.1 Children and young people should never experience abuse of any kind, and

5.2 We have a responsibility to promote the welfare of all children and young people and to take, share and use images of children safely

6.0 We Recognise That:

6.1 Sharing photographs and films of our activities can help us celebrate the successes and achievements of our children and young people, provide a record of our activities and raise awareness of our organisation

6.2 The welfare of the children and young people taking part in our activities is paramount

6.3 Children, their parents and carers have a right to decide whether their images are taken and how these may be used, regardless of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation

6.4 Consent to take images of children is only meaningful when children, their parents and carers understand how the images will be used and stored, and are fully aware of the potential risks associated with the use and distribution of these images

6.5 There are potential risks associated with sharing images of children online. More information about this is available from:

<https://learning.nspcc.org.uk/research-resources/briefings/photography-sharing-images-guidance>

There have been concerns about the risks to children and young people when their images are used online (including social networking sites, e.g. YouTube) and in publications. By following a few simple guidelines (suggested by the NSPCC) we can reduce the potential for concern:

7.0 Keeping Children and Young People Safe

We seek to keep children and young people safe by:

7.1 Always asking for written consent from a child and their parent/s or carer/s before taking and using a child's image. Spurgeons projects are required to review and renew consent on an annual basis,

7.2 Always explaining what images will be used for, how they will be stored and what potential risks are associated with sharing images of children,

7.3 Making it clear that if a child or their family withdraw consent for an image to be shared, it may not be possible to delete images that have already been shared or published. Parents retain the right to withdraw consent at any stage, but they need to do so in writing,

7.4 Changing the names of children whose images are being used in our published material whenever possible (and only using first names if we do need to identify them),

7.5 Never publishing personal information about individual children and disguising any identifying information (for example the name of their school or a school uniform with a logo),

7.6 Making sure children, their parents and carers understand how images of children will be securely stored and for how long (including how we will control access to the images and their associated information),

7.7 Reducing the risk of images being copied and used inappropriately by:

7.7.1 Only using images of children in appropriate clothing (including safety wear if necessary),

7.7.2 Avoiding full face and body shots of children taking part in activities such as swimming where there may be a heightened risk of images being misused, and

7.7.3 Using images that positively reflect young people's involvement in the activity.

We have developed and will maintain safeguarding policies in line with UK statutory guidance (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>) for reporting the abuse or misuse of images of children as part of our child protection procedures.

We will ensure everyone involved in our organisation knows the procedures to follow to keep children safe.

8.0 Photography or Filming for Personal Use

When children themselves, parents, carers or spectators are permitted to take photographs or video at Spurgeons events, and the images are for personal use, we will publish guidance about image sharing in the event programmes and/or announce details of our photography policy before the start of the event.

This includes:

8.1 Reminding parents, carers and children that they need to give consent for Spurgeons to take and use their images and the Photography and Filming Consent Form included herein as Appendix A (which includes a link to Spurgeons' Privacy Policy) will be used for this purpose,

8.2 Asking for photos taken during the event not to be shared on social media and asking people to gain permission from children, their parents and/or carers before sharing photographs and videos that include them,

8.3 Recommending that people check the privacy settings of their social media account/s to understand who else will be able to view any images they share,

8.4 Making children and young people aware that taking and distributing inappropriate photographs may be a criminal offence,

8.5 Maintaining a policy on the use of mobile/camera phones and/or digital cameras by children and young people. Where such equipment is allowed it is important that policies and/or codes of conduct for safe usage, and advice on inappropriate usage and possible consequences of misuse are followed.

8.6 Reminding children, parents and carers who they can talk to if they have any concerns about images being shared.

9.0 Webcams

The regulations for using webcams are similar to those for CCTV which come under the Data Protection Act (2018) which states that use of webcams must be well signposted and people must know that webcams are there before they enter the area, in order to provide their consent to being viewed in this way.

10.0 Photography and Filming for Spurgeon's Use

10.1 We recognise that our group leaders may use photography and filming as an aid in activities such as music or drama. However, this should only be done with Spurgeon's permission and only by using equipment provided by Spurgeons (e.g. Spurgeons-issued mobile 'phones, tablets, etc.).

10.2 When commissioning photography for projects, service settings or for Spurgeons publications, the Spurgeons contract will make it clear that Spurgeons will own the copyright for all such items taken on its behalf.

10.3 Before using photographs supplied by a third party, we will check to see if a third party owns the Copyright of the photographs and obtain their written permission to use them.

10.4 Projects, service settings and Spurgeons will periodically invite an official photographer to take photographs/video of individual children and/or groups. It is essential when considering such an activity that Spurgeons projects and service settings undertake their own risk assessment in terms of the validity of the photographer or agency involved, and establish what checks and vetting has been undertaken (e.g. DBS). If DBS checks are deemed appropriate, Spurgeons HR team will be informed and sufficient time for the relevant checks will be made.

10.5 Parents and carers of children and young people must also be made aware that photography and filming is part of the programme and provide their written consent using the Photography and Filming Consent Form included herein as Appendix A (which includes a link to Spurgeons' Privacy Policy)

10.6 If Spurgeons hires a photographer for one of its events, we will seek to keep children and young people safe by:

10.6.1 Providing the photographer with a clear brief about appropriate content and behaviour

10.6.2 Ensuring the photographer wears identification at all times

10.6.3 Informing children, their parents and carers that a photographer will be at the event and ensuring they give written consent to images which feature their child/ren being taken and shared using the Photography and Filming Consent Form included herein as Appendix A (which includes a link to Spurgeons' Privacy Policy)

10.6.4 Not allowing the photographer to have unsupervised access to children

10.6.5 Not allowing the photographer to carry out sessions outside the event or at a child's

home

10.6.6 Reporting concerns regarding inappropriate or intrusive photography in line with Spurgeons safeguarding policy

11.0 Photography and Filming for Wider Use

If people such as local journalists, professional photographers (not hired by Spurgeons) or students wish to record one of our events and share the images professionally or in the wider world, they must seek written permission in advance. Such written consent must be provided before any child can feature in any photograph or video/film.

For such permission to be given, the following must be provided:

11.1 The name and address of the person using the camera

11.2 The name/s of child/ren they wish to take images of (if possible)

11.3 The reason for taking the images and/or what the images will be used for

11.4 A signed declaration that the information provided is valid and that the images will only be used for the reasons given

11.5 Spurgeons will verify these details and decide whether to grant permission for photographs/films to be taken. We will seek consent from the children who are the intended subjects of the images, and/or their parents, and inform the photographer of anyone whose consent is withheld.

11.6 Given our responsibility to parents and children, it is sensible to politely check that broadcasters and press photographers deployed are fully briefed on Spurgeons policy.

11.7 At the event we will inform children, parents and carers that an external photographer is present and ensure they are easily identifiable, for example by issuing them with a coloured identification badge.

11.8 If Spurgeons is concerned that persons unknown are using these sessions for photography or filming purposes, we will politely ask them to leave and, depending on the nature of the concerns, follow and implement appropriate child protection procedures.

12.0 Storing Images

12.1 We will store photographs and videos of children securely, in accordance with our safeguarding policy and relevant data protection legislation which challenges organisations NOT to retain photographs or videos any longer than absolutely necessary. Although flexibility exists to purge such content sooner, no photograph or video will be retained by Spurgeons beyond 12 months.

12.1.1 Spurgeons will not retain copies of photographs or videos of children, or other Data Subjects, taken without a Consent Form.

12.1.2 Although it is preferable not to store hard-copy images, if we have received same with a Consent Form but no 'electronic' version, we will file these in a locked drawer within the Engagement office.

12.1.3 'Electronic' images and videos taken by Spurgeons, will be uploaded to a password-protected folder on a secure drive.

12.1.4 All Consent Forms received, for hard-copy images and 'electronic' images or videos, will be scanned and uploaded to a password-protected folder on a secure drive.

12.1.5 On a monthly basis, the secure folder containing Consent Forms will be audited by Spurgeons' Photography & Filming Coordinator. Any Consent Forms filed more than 12 months ago and all associated photographs, 'electronic' images and/or videos will be securely destroyed at that time.

12.2 We will never store images of children on unencrypted portable equipment such as laptops, memory sticks or mobile phones.

12.3 Spurgeons does not permit staff and volunteers to use their personal equipment to take photos and recordings of children. Only cameras or other devices belonging to Spurgeons will be used.

12.4 Organisations that store and use photographs to identify children and adults for official purposes, such as identity cards, should ensure they are complying with the legal requirements for handling personal information. Further guidance can be found on the Information Commissioner's Office website at <https://ico.org.uk>.

13.0 Related Policies and Procedures

Children's Charity ("Spurgeons") works with children and families in Children's Centres, HMP Prison Visitors' Centres and through a range of other activities which are designed to support children at risk of harm and abuse elsewhere, e.g. Young Carers, BeLeave.

13.1 This policy statement should be read alongside Spurgeons organisational policies and other relevant legal safeguards and guidance, including:

- Spurgeons Safeguarding Policy 2019
- Spurgeons Child Protection Procedures 2018
- Spurgeons Workforce Code of Conduct (for staff and volunteers)
- Child Exploitation and Online Protection (CEOP) Command Policy and Procedures for responding to concerns about online abuse.

13.2 All Spurgeons Heads of Department are responsible for ensuring that:

13.2.1 The direction of safeguarding and child protection management in their respective departments and that the policy and procedure is understood by the workforce,

13.2.2 The implementation of the policy and procedures within their areas of responsibility,

13.2.3 Through sampling of safeguarding undertaken in their respective departments, work is compliant, corrective action is being taken (if necessary), and learning / good practice is being shared, and

13.2.4 All relevant statutory regulations and codes of practice are being adhered to.

14.0 Contact Details

Photography and Filming Coordinator

Name: Samantha Williams

Phone/email: 07814 298234 / swilliams@spurgeons.org

Senior Lead for Safeguarding and Child Protection

Name: Lorraine White

Phone/email: 07814 140425 / lwhite@spurgeons.org

APPENDIX A: Photography and Filming Consent Form

This form is a record of consent for any photographic or video content depicting you and/or your children for the purposes of Spurgeons Children's Charity ("Spurgeons"), its services, work and values to help us encourage wider awareness and understanding.

My full name -

My address -

Date -

If you are the responsible parent, guardian or carer;

Child's full name -

I understand that the photos/video (delete if/as applicable) will be retained and managed in accordance with Spurgeons' Data Retention Policy: www.spurgeons.org/annual-reports-and-policies

I understand that I can ask for any photos/videos I appear in to be removed from Spurgeons' Data Repository at any time by contacting Spurgeons' Data Protection Officer via email:

info@spurgeons.org. Although these will be removed upon request, I understand it will not be possible to remove photos which have already been published, for example in printed magazines.

I recognise that I will not be paid for allowing the photos or videos to be taken or used. I am giving permission freely. I have no interest in the copyright, nor any moral rights, in the same.

I understand that should I have any questions I can contact Spurgeons' Data Protection Officer via email: info@spurgeons.org

Please confirm the media channels for which you are giving your consent for us to publish any photos/videos that you appear in, by ticking the appropriate box/es below:

- Local/national newspapers,
- Local/national television
- Spurgeons' websites
- Spurgeons' newsletters
- Spurgeons' social media channels [Facebook], [Twitter], [Instagram], [LinkedIn], [YouTube].
- Spurgeons' advertising and/or promotional material

Signed -

What was the date, event or purpose of your photography/video?

Name of your Spurgeons' contact

APPENDIX B: Photography and Filming Consent Checklist

Policy Ref.	Policy Requirement	Resp.	Consent Given	Date
2.1.1	Data Subject/s informed in advance			
2.1.2	Parent/Guardian Consent (if applicable)			
2.2	Non-Subject/s informed (if applicable)			
2.3.2	Release/Consent Form signed			
2.5	Young person/s permission received			
3.0	Secure storage of Personal Data planned and organised			
7.2	Families aware of potential risks in sharing images			
7.2	Data Subject/s aware of how content will be stored			
7.3	Data Subjects/Families aware consent can be withdrawn			
7.4	Data Subject/s name/s changed, or first names only used			
7.5	Data Subject’s personal data/anonymity guaranteed			
7.6	Data Subjects/Families aware how long content stored			
7.7	Steps taken to reduce risk of inappropriate use			
8.0	Guidance on image sharing published/advised			
10.1	Permission needed for filming, equipment provision			
10.2	Spurgeons ownership of copyright (if applicable)			
10.3	Permission to use third-party content (if applicable)			
10.4	Risk assessment, including if DBS needed (if applicable)			
10.5	Parent/Guardian written consent (if applicable)			
10.6	Photo/videographer aware of Safeguarding concerns			
10.6.3	Parents/Guardians aware of photo/videographer			
12.1	Safe/secure storage for photos/electronic images			
12.3	Use of personal equipment forbidden			
13.1	Spurgeons colleagues involved trained in Safeguarding			
	Colour Coding Note:			
	Denotes MANDATORY adherence			
	Denotes CONDITIONAL adherence			

APPENDIX C: Spurgeons Privacy Policy

Spurgeons places a high importance on keeping your personal information safe.

Internal policies, strict controls and appropriate technology solutions are in place to ensure personal data is safely stored and handled. These controls employed by Spurgeons are there to reduce the risk of data being lost, misused, destroyed or disclosed.

Our IT platforms which may store your data are located in a G-Cloud approved Data Centre/Cloud Provider that complies with ISO 27001 standards. We work closely with our technical partners to ensure that all your personal information remains secure.

Some platforms, such as our website and social media may contain links. We cannot guarantee the security of any personal data you post to any public area of the website or social media platforms. Posting to these areas can result in information being read, collected or used by others. Spurgeons will not be held responsible for any breach of data individuals post to these areas.