



Thomley Photography Policy

Photography Policy

Version Control Photography Policy

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1. Introduction

- 1.1. Thomley needs to be able to make full and proper use of photographic images while meeting the law and preserving the safety of all our visitors. Concerns focus on issues around rights of privacy, safeguarding and copyright ownership. These guidelines address these issues and give advice on good practice.
- 1.2. This guidance should be read in conjunction with the following policies:
 - 1.2.1. Safeguarding Children & Young People
 - 1.2.2. Protecting Vulnerable Adults

2. Who is this for?

- 2.1. This Policy/Procedure is relevant to:
 - 2.1.1. Employees
 - 2.1.2. Casual Staff
 - 2.1.3. Volunteers
 - 2.1.4. Trustees
 - 2.1.5. Visitors
 - 2.1.6. Contractors

3. Ownership

- 3.1. Human Rights legislation and the GDPR Act 2018 give people the right to 'privacy' and that is the issue when using photographs. Thomley must take steps that respect the rights of people in photographs.
- 3.2. The charity should not display images of any visitor or staff on websites, in publications or in a public place, without written consent of the person(s) concerned or their legal guardian.
- 3.3. The definition of a public place includes areas where visitors to the centre have access.
- 3.4. The Copyright, Designs and Patent Acts 1988 moved the ownership of copyright to the photographer (or their employer) and away from the person commissioning and paying for the photographs, unless there is an agreement otherwise.

4. Good practice

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- 4.1. The following advice represents good practice in the use of photographic images involving our visitors:
 - 4.1.1. When taking a picture, Thomley must obtain the written consent from the person in the picture or from their parent/carer using Consent Form (Appendix 1).
 - 4.1.2. If using a photo from the media or commissioning a photograph, Thomley must have a signed agreement (Appendices 2 & 3).
 - 4.1.3. Thomley staff should take every precaution to ensure that the image is used only in its intended context. Only those photographs that have a signed written permission form should be stored in Thomley folders or on the server. No other people photos should be stored there.
- 4.2. Thomley staff should always follow their commitment to:
 - 4.2.1. not name the person; unless agreed by them or their guardian.
 - 4.2.2. not use the photograph out of context;
 - 4.2.3. not use the photograph to illustrate sensitive or negative issues.
- 4.3. Thomley employees, casual staff and volunteers must not use their smartphone to take photos of visitors at any time whilst on duty. This is against data protection and the safeguarding policy. Staff can use their phones to take photos of the site or general activities.

5. General Guidance for taking Photographs

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- 5.1. Ensure that the person, parents/carers of young people have signed and returned a Consent Form for general photography (Appendix 1).
- 5.2. No images to be taken of any visitor that captures them in what are commonly understood as non-public activities like toileting or changing clothes, or which show body parts not usually visible in public settings. People should be fully clothed.
- 5.3. Avoid images that only show a single child with no surrounding context of what they are learning or doing.
- 5.4. Avoid naming any person without express permission. If one name is required then use the first name or initial where possible.
- 5.5. Use photographs that represent the diversity of those participating in Thomley events/activities.
- 5.6. Report any concerns relating to any inappropriate or intrusive photography to the Duty Manager.
- 5.7. Do not use images that are likely to cause distress, upset or embarrassment.
- 5.8. If a child, young person, parent or carer is adopted or fostered and is concerned regarding photography, staff must ensure all photography is abandoned to avoid the risk of compromising the person in question. All photos already taken on that day must also be deleted immediately.

6. Permission

- 6.1. Written permission must always be obtained by using the Consent Form, either when the person is first enrolled or before a specific event or activity where photographs are going to be taken.
- 6.2. When a person refuses to be photographed, all relevant members of staff should be made aware and should comply sensitively – this could include informing other visitors on site.
- 6.3. If a person who has refused permission for photography is involved with a workshop, e.g. a dance class, it will not be appropriate to photograph the whole group. Careful planning is essential.
- 6.4. When photographic images are transmitted or shared beyond the charity e.g. television broadcast, specific permission should be obtained Using Consent for Images to be used for Publicity Form (Appendix 2).

7. Children/Young People photographing each other

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- 7.1. This practice can occur extensively during recreational activities. Thomley try to monitor incidents where children take inappropriate photographs, perhaps showing friends and other children/young people inappropriately dressed.
- 7.2. Staff should endeavour to discourage this practice, but ultimately parents are responsible for monitoring their child's/young person's use of cameras/mobile phones and subsequent use of their images involved.

8. Displays at the centre

- 8.1. Still photographs presented on displays and in video clips that are shown at events etc. should depict people in an appropriate way. They should not display images of people in inappropriate or revealing clothing so appropriate levels of integrity and decency are maintained. Do not use photographs or images likely to cause embarrassment or upset.

9. Thomley events & activities

- 9.1. There will be occasions where parent(s)/carer(s) will wish to take photographs or make a video recording of people taking part in an event or activity. These activities could include workshops, performances or sporting activities, for example.
- 9.2. It is worth noting that it is not illegal to take photographs at a public event, even if asked not to do so, but any event or activity taking place on Thomley's premises, may be considered private, which means staff should insist that the charity's policy on photography is followed.

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- 9.3. In order to ensure that as far as possible parents/carers use of photography and video is safe and appropriate, Thomley should have regard for the following advice:
 - 9.3.1. ensure that the person is appropriately dressed;
 - 9.3.2. obtain individual/carer permission with the form in Appendix 1;
 - 9.3.3. ensure that parents/carers are aware of their responsibility to ensure that any images they take of activities on site will not be used inappropriately Appendices 1, 2 & 3;
 - 9.3.4. be aware of any person who should not be photographed;
 - 9.3.5. monitor the use of cameras and anyone behaving inappropriately;
- 9.4. Consider whether it might be prudent to only permit photography/video recording in designated areas of the site – e.g. in the room where the workshop, activity or performance is taking place, but not in the kitchen or other public areas. This information could be given to parents/carers in a letter prior to the event.

10. Press coverage/professional photographers

- 10.1. Group photographs:
 - 10.1.1. Photographs/video taken for the purpose of publication can only proceed when everyone involved has given written permission for group photographs and full names to be published.
 - 10.1.2. If a person is not happy to have a name printed on a photograph then consideration could be given to publishing the photograph with no names. Thomley staff should make every effort to ensure, in conjunction with the newspaper editors, that this occurs.
 - 10.1.3. If person is considered vulnerable from a safeguarding perspective, they should not have an individual photograph printed when a group photograph may not be more appropriate.

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10.2. Photo opportunities:

- 10.2.1. When Thomley invites a newspaper to celebrate an event, staff should make every effort in advance to ensure that the newspaper's requirements can be met. If this does not happen then the photo session can't go ahead.
- 10.2.2. Almost without exception, newspapers prefer to publish the full names of anyone in a photograph they print. The only exception to this might be for a larger group photo.
- 10.2.3. However newspapers usually prefer to work with smaller groups of people – e.g.: three or four – and for this number names would almost always be required.
- 10.2.4. This might mean offering only those people who are happy for publication of photographs and names.

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11. Appendix 1 – General Consent Form

Dear Parent or Carer

During your visit to Thomley, we may wish to take photographs of activities that involve your child. The photographs may be used in any of our publicity materials which includes: on our website, in newsletters, on social media, in fundraising applications and reports.

Before taking any photographs of you/your child, we need your permission. Please answer the questions below, sign and date the form and return it to a member of Thomley staff. You can ask to see images of your child held by the charity. You may withdraw your consent at any time.

If you wish to take photographs of your and other people's children whilst at the centre, we ask that you do so sensitively and that you consider the privacy of others. Thank you.

Name of Person (Block Capitals) :

Child's Date of Birth (if appropriate)

Name of person responsible for the child:

I understand that:

- the local media may take images of activities that show the charity and children in a positive light;
- photographers acting on behalf of the charity may take images for use in displays, in publications or on a website;
- the images will not be associated with distressing or sensitive issues; and
- Thomley will regularly review and delete unwanted material.

Having read the above statement, do you give your consent for photographs and other images to be taken and used?

(please tick the appropriate box)

YES, I give my consent for pictures to be taken and used

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NO, I do not give my permission for pictures to be taken and used

In addition, I confirm that any photographic or video images I as a parent or carer might take at the centre will not be used inappropriately.

Signature of person/carer responsible:

Relationship to the child:

Date (Date/Month/Year):

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12. Appendix 2 – Consent for Images to be used for Publicity

Please complete, sign and date this form and return it to a member of Thomley staff.

Name of person/parent or guardian:
Name of child:
Address:
Project Description: (Statement should include description, circulation, timescale, access, agencies involved, copyright of material).

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To the person/carer	Please circle
1. May we use your photographs in the above project?	Yes / No
Signature:	Date:

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13. Appendix 3 - Agreement with Photographers

Thomley is commissioning agreed photographic work with (name photographer).

These commissioned images will be used in the charity's publications, and/or our website. The photographs may also be issued to the media for their use with our permission e.g. photo caption picture stories.

It is unlikely that the images will be used in a situation where the charity would receive money for the image e.g. in advertising material. If this were to be the case then the charity would contact the originating photographer to discuss these specific circumstances.

The photographer's signature for the agreement of the charity to hold the copyright of the images commissioned is agreed by the (named photographer) under the conditions stated above.

_____ (signature of photographer)

Date _____