

# BAPLA<sup>®</sup> Fact sheet

## Photographing Children

*Please use this fact sheet as a guide only it does not constitute professional legal advice*

**This fact sheet should be read in conjunction with the fact sheet “Photographing People/ Model releases, which contains general advice on photographing people. This fact sheet sets out special extra considerations when photographing those under 18.**

### Parental Consent and Model Release Forms

As a general rule photographers should obtain a release when ever possible. If your contributors supply images with a model release, then this expands the possible uses of that image in a commercial environment. It is essential that you consider what the release should cover; advertising, editorial or for use on a website etc. and in which territories.

When shooting children under the age of 18, a model release with the parent or legal guardian's signature should be obtained.

An example of parental consent to be added to your standard with your model release might include the following:

I hereby give (name of client/photographer) consent to the use the images(s) made of (name of children) on this date (-----) for all purposes, including those of advertising and trade and indemnify (name of client/photographer) against any claims arising out of any use of the Images.

\_\_\_\_\_  
Signature of Parent/Guardian

*See also sample of Minor Model Release Form by Getty Images.*

### Using Children as Models in Commercial Photography

According to UK law, a licence is required for all paid commercial photography involving children of school age (under the age of 16). The licence is obtained from the Local Education Authority (LEA) where the child lives. A separate licence for each child involved is needed, and if they live in separate boroughs you need to apply for separate licences to each local authority. Either the photographer or the client can apply for the licence, but not the model or model agency. You should call the LEA to request a form, which will need to be signed by the parent or guardian. Leave plenty of time when applying for a licence (approx. 21 days before your shoot, any longer and you can complain to the Department of Health) note; some boroughs will issue six month licences.

You may also be asked by the Local Education Authority to produce a disclosure certificate. Standard disclosures contain details of all convictions on record, plus details of any cautions, reprimands or warnings. If you are required to provide one. For more information call the disclosure help line 0870 90 90 811 or visit <http://www.crb.gov.uk>

### Protection of Children Act 1978

To comply with the Children's Act 1978, extra care must be taken when shooting and distributing images of children, especially where innocent nakedness is involved.

The law on images of child abuse is relatively clear. Images of child abuse mean any images of children (under 16 years old) involved in sexual activity or posed to be sexually provocative. Section 1 of the Children Act 1978, as amended by the Criminal Justice and public Order Act 1994, creates various offences of taking or distributing indecent photographs

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or pseudo-photographs of a child who is or appears to be under 16 years of age. Further information and details on Scottish Law, please visit: [http://www.iwf.org.uk/hotline/uk\\_law.html](http://www.iwf.org.uk/hotline/uk_law.html)

## **Photography of Children in Sport and Recreation Centres**

Taking photographs of children in sports activities, especially in the areas of swimming, gymnastics and athletics, is turning into an increasingly problematic area. Reports of unauthorised children's images taken whilst using sports facilities, with digital technology like mobile phones and cameras, and being posted on the web are creating serious concerns and increasing the paranoia surrounding this issue.

The Institute of Sport and Recreation Management newly issued guidelines are urging a complete ban on photography where partly clothed children may be present. They suggest that in venues that allowed photography, photographers should request permission to take pictures and guarantee that they will not be put to improper use. Guidelines can be found at: [http://www.isrm.co.uk/information/270\\_photography\\_children.pdf](http://www.isrm.co.uk/information/270_photography_children.pdf)

## **Defamation**

If, by use of an image or by captioning you give an untrue impression which might affect the subject's reputation you could be guilty of defamation.. For example, a photograph of a miserable or bruised child should never be used to illustrate an article about abused children as this would be defamatory of the parents and possibly also the child. The photographer / agency and the parents or guardians must grant permission first and the picture should be used clearly captioned POSED BY MODELS.

## **Press Complaints Commission Code of Practice**

The Press Complaints Commission publishes a Code of Practice which contains useful guidelines for photographing children, see [www.pcc.org.uk/cop](http://www.pcc.org.uk/cop) . These include:

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iii) Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

### **\*Children in sex cases**

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
2. In any press report of a case involving a sexual offence against a child -
  - i) The child must not be identified.
  - ii) The adult may be identified.
  - iii) The word "incest" must not be used where a child victim might be identified.
  - iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

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Model's Name: \_\_\_\_\_

Model's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Model's Phone: \_\_\_\_\_

Model's E-mail: \_\_\_\_\_

Attach visual reference here, aligned to top right-hand corner if larger than box.

For example,  
Polaroid, driver's license,  
print, photocopy, etc.

## PARENT/LEGAL GUARDIAN'S PERMISSION AND RIGHTS GRANTED:

For good and valuable Consideration of \_\_\_\_\_ herein acknowledged as agreed, and by signing this release, I hereby give the Photographer/Filmmaker and Assigns my permission to license the Images and to use the Images in any Media for any purpose (except pornographic or defamatory) which may include, among others, advertising, promotion, marketing and packaging for any product or service. I agree that the Images may be combined with other Images, text and graphics, and cropped, altered or modified. I acknowledge and agree that I have consented to publication of model's ethnicity(ies) as indicated below, but understand that other ethnicities may be associated with Images of the Model by the Photographer/Filmmaker and/or Assigns for descriptive purposes.

I agree that I have no rights to the images, and all rights to the images belong to the Photographer/Filmmaker and Assigns. I acknowledge and agree that I have no further right to additional Consideration or accounting, and that I will make no further claim for any reason to Photographer/Filmmaker and/or Assigns. I acknowledge and agree that this release is binding upon my heirs and assigns. I agree that this release is irrevocable, worldwide and perpetual, and will be governed by the laws of England, excluding the law of conflicts.

Parent warrants and represents that Parent is the legal guardian of Model, and has the full legal capacity to consent to the Shoot and to execute this release OF ALL RIGHTS IN MODEL'S IMAGES.

### To be completed By Model's Parent or Legal Guardian:

Parent/Legal Guardian  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Legal Guardian  
Printed Name: \_\_\_\_\_

Model's  
Date of Birth: \_\_\_\_\_

### Additional information to be completed by Model's Parent or Legal Guardian: (Optional)

Model's Ethnicity Information is requested for descriptive purposes only, and serves as a means of providing more accuracy in assigning search words.

\_\_\_ Asian – circle each that applies to model:

(Chinese, Indian, Japanese, Korean)

\_\_\_ Asian, Other      \_\_\_ Caucasian, White

\_\_\_ Hispanic, Latin      \_\_\_ Middle Eastern

\_\_\_ Native American      \_\_\_ Pacific Islander

\_\_\_ Black      \_\_\_ Mixed Race

\_\_\_ African American

Other: \_\_\_\_\_

### DEFINITIONS:

"MODEL" means my minor child and include his/her appearance, likeness and form.

"MEDIA" means all media including digital, electronic, print, television, film and other media now known or to be invented.

"PHOTOGRAPHER/FILMMAKER" means photographer, illustrator, filmmaker or cinematographer, or any other person or entity photographing or recording me.

"ASSIGNS" means a person or any company to whom Photographer/Filmmaker has assigned or licensed rights under this release as well as the licensees of any such person or company.

"IMAGES" means all photographs, film or recording taken of Model as part of the Shoot.

"CONSIDERATION" means something of value I have received in exchange for the rights granted by me in this release.

"SHOOT" means the photographic or film session described in this form.

"PARENT" means the parent and/or legal guardian of the Model. Parent and Model are referred to together as "we" and "us" in this release.

\_\_\_\_\_ The following to be completed by Photographer/Filmmaker \_\_\_\_\_

Photographer/Filmmaker's Name: \_\_\_\_\_ Shoot Date: \_\_\_\_\_

Photographer/Filmmaker's Signature: \_\_\_\_\_

Shoot Description [and Shoot reference if Applicable]: \_\_\_\_\_