

Introduction

We recognise that parents/guardians and children generally welcome opportunities to celebrate or publicise their involvement and achievements when taking part in sport by photographing children at events. Clubs, event hosts and other organisations may also want to promote their activities to encourage participation. Scottish Swimming does not advocate the banning of photography or the use of images and videos of children.

This guidance document will support to ensure all necessary steps are taken to protect children and young people from the inappropriate use of their images in resources and media publications, on the internet and elsewhere. This guidance document applies to all images and videos, which are not suspected of falling under the guidance on indecent/child abuse images of children, taken on any type of camera or recording device (including mobile/smart phones). It applies to all training sessions, activities and events run by a club.

What are the risks?

Children may be identified, contacted or groomed. Including the child's personal information (full name, address) alongside their image can make them identifiable and therefore vulnerable to individuals looking to locate, contact or 'groom' children for abuse. Even if personal details are kept confidential, other details identifying the club, or their favourite sportsperson or team, can also be used to groom the child.

There's increased risk of identification of, and contact with, a child:

- by someone in circumstances where there are legal restrictions – such as if the child is in local authority care or placed with an adoptive family; or
- where it's potentially dangerous to reveal the child's whereabouts to an estranged parent due to previous concerns about domestic violence.

Someone might make inappropriate or illegal images of children. Photo or video content may itself be inappropriate, or images may be used inappropriately or out of context:

- Some individuals deliberately target the aquatic sports and set out to take inappropriate photos in ways that are potentially illegal and harmful, such as:
 - images of children changing;
 - photos taken in the toilets or shower areas; or
 - using a camera at ground level to photograph up girls' skirts.
- Images that appear ambiguous can be used inappropriately and out of context by others (for example, images from behind a starting block, or where athletes are conducting rotations, shapes, lifts, skills on poolside/boards/air, or children climbing in or out of the pool).
- Images can easily be copied and edited, perhaps to create child-abuse images.
- Images shared privately online can be re-shared, possibly entering the public domain on websites or social media.

Minimising the risks

Clubs benefit from using images of young members to promote and celebrate activities, events and competitions. Some coaches also find it helpful to use photographs or videos as a tool to support a young athlete's skills development. However, the use of photos and videos on websites and social media, and in posters, the press or other publications, can pose direct and indirect risks to children and young people if not managed correctly.

Clubs wishing to use or permit the use of images of children involved in their activities must therefore follow the principles contained in the Scottish Swimming Wellbeing & Protection Policy in order to safeguard them.

The publishing of a photograph of children and young people, either on a noticeboard or in a published article or video recording (including video streaming) of a competition, must only be done with parental consent, and consent from the child, and in line with the Scottish Swimming Wellbeing & Protection Policy.

A parent or guardian has a right to refuse to have their child photographed. A child also has a right to refuse to be photographed. The exercise of this right of refusal should not be used as grounds for refusing entry into a competition. Therefore, any photo that may go to press or on a noticeboard, be it through a member of the club or an official photographer, must receive appropriate consent before being published or displayed.

In the case of any event or competition where the host club has an official photographer, or for example intends to stream the event or competition online, all parents/guardians and members who are attending must be made aware of this in the event details. If photos are to be published anywhere, each individual and/or their parent/guardian must be given the opportunity to withhold their consent. Their right to do so must be specifically drawn to their attention.

All photographs for publication must observe generally accepted standards of decency:

- Action shots should be a celebration of the sporting activity and not a sexualised image in a sporting context.
- Action shots must not be taken or retained where the photograph reveals a torn or displaced swimming costume.
- Poolside static shots of children must be above the waist only in a swimming costume. Full length shots are permitted if the children are fully clothed.
- Photographs must not be taken from behind the starting blocks or that show children climbing in and out of the pool.
- Published photographs may identify the individual by name and club but must not state the young person's place of residence or school attended. Scottish Swimming does not wish to stop parents/guardians photographing their child if they wish, but all clubs must ensure they do all they can to safeguard every child's wellbeing, helping parents/guardians understand why they should refrain from including other individual children in such shots.

The official photographer

In some cases, the club will ask a member or club officer to act as an official photographer for an event and in some cases, they may employ a specialist photographer. Their role is to take appropriate photos that celebrate and promote one of our sports. When taking any image, they must be asked to:

- Focus on the activity rather than the individual child.
- Include groups of children rather than individuals, if possible.
- Ensure all those featured are appropriately dressed.
- Represent the broad range of children participating in one of our sports.

Clubs must screen applicants for their suitability (just as they would check any other member of staff or volunteer working with children) and then provide training and information on the club's child Wellbeing & Protection policies and procedures.

The official photographer (whether a professional photographer or a member of staff) must receive clear instructions at an early stage, and the club must establish and clarify the following points as part of the commissioning and contracting of an official photographer:

- Inform parents/guardians and children that a photographer will be in attendance.
- Ensure parents/guardians and children consent to both the taking and publication of films or photos.
- Check the photographer's identity, the validity of their role, and the purpose and use of the images to be taken.
- Issue the photographer with identification, which must be worn at all times.
- Provide the photographer with a clear brief about what is considered appropriate in terms of image content and their behaviour.
- Clarify areas where all photography is prohibited (toilets, changing areas, shower areas, first aid areas, and so on).

Safeguarding Resource Document

- Inform the photographer about how to identify – and avoid taking images of – children without the required parental consent for photography.
- Don't allow unsupervised access to children or one-to-one photo sessions at events.
- Don't allow photo sessions away from the event – for instance, at a child's home.
- Clarify issues about ownership of and access to all images, and for how long they'll be retained and/or used.

Responding to concerns

All staff, volunteers, children and parents/guardians must be informed that if they have any concerns regarding inappropriate or intrusive photography (in terms of the way, by whom, or where photography is being undertaken), these should be reported to the event organiser, an appointed Wellbeing & Protection Officer (WPO), or another club official.

These concerns must be dealt with according to the safeguarding reporting process outlined in the Scottish Swimming Wellbeing & protection Policy. It is essential that the club or event organiser, and WPO, is informed. Ensure that your concerns about professional photographers should also be reported to their employers. If there are concerns or suspicions about potentially criminal behaviour this must include referral to the Police.

General images of events

At many events, organisers will wish to take wide-angle, more general images of the event. It's usually not reasonable, practical or proportionate to secure consent for every participating child in order to take such images, or to preclude such photography on the basis of the concerns of a small number of parents. In these circumstances, organisers must make clear to all members and parents that these kinds of images will be taken, and for what purposes.

What to do when parental consent is not given

Clubs have a responsibility to put in place arrangements to ensure that any official or professional photographers can identify (or be informed about) which children should not be subject to close-up photography. This should be done in consultation with parents. You should consider:

- providing some type of recognisable badge, sticker or wrist band; and/or
- a system for the photographer to check with the activity organiser and/or team manager to ensure it's clear which groups or individuals should not feature in images.

If at any time a member wishes a static image to be removed from the source website/social media, it is recommended that 7 days' notice must be given to the club or event organiser in order for them to remove the photo/video. If the removal can happen quicker than 7 days then that should be recommended.

Secure storage of images

Images or video recordings of children must be kept securely:

- Hard copies of images must be kept in a locked drawer.
- Electronic images must be in a protected folder with restricted access.
- Images should not be permanently stored on unencrypted portable equipment such as laptops, memory sticks or mobile phones.

Avoid using any personal equipment to take photos and recordings of children – use only cameras or devices belonging to your club where at all possible.

If the individual is storing and using photographs to identify children and adults for official purposes – such as identity cards – the Club should ensure the individual complies with the legal requirements for handling personal information. For guidance on the Data Protection Act and other privacy regulations, visit the Information commissioner's office (ICO) website. More information is available on the Scottish Swimming website.

Photography at Events

Most spectators, especially competitors' family and friends – will want to take photos or videos at aquatics events. As part of the planning process, event organisers must follow the Scottish Swimming Wellbeing & Protection Policy and appendix SG20 – Event Safeguarding Management guidance, and factor in any additional facility or venue policies, as well as determine what stance to take on when photography by the public is allowed.

Although parental consent is not required for photography by the public, event organisers should make the photography policy clear to all Members and parents ahead of the event. There's a range of ways event organisers can inform stakeholders about their photography policy, including:

- pre-event registration, consent or information forms;
- packs and leaflets for all event staff and volunteers, Members and parents;
- pre-event induction or training for staff and volunteers;
- event programmes;
- posters and signage around the venue;
- public-address announcements during the event.

At Scottish National aquatics events the following information will be included in the event conditions/supplementary team information. SASA District and club aquatics events are recommended to use similar text in their event information.

*By attending the event either as a participant, volunteer, team staff or spectator, you accept that any photographs / videos taken will not be used for illicit purposes or that pictures / films produced will not be altered in any way or uploaded onto the web without the consent in writing of the person(s) photographed / filmed. **The use of mobile phones or other electronic devices capable of photography are not permitted to be used at any time in the changing village, toilets or shower areas.***

Spectators who wish to take images are requested to focus on their own family member as much as reasonably possible and to avoid including other participants in images, particularly if those images are being shared with family and friends or through social media platforms. The use of professional camera equipment and flash photography is prohibited at the event. Only accredited media can use this type of equipment.

Some sports take place in areas where organisers have little or no control over the environment such as open water or areas to which the public have general rights of access e.g. the open countryside. In these circumstances, event organisers should take all reasonable steps to promote the safe use of photographing and filming and to respond to any concerns raised.

Guidance on filming children during training sessions

Filming during training sessions is not appropriate unless there is a legitimate need or purpose for the filming.

For example, wishing to film children to assist in their stroke technique. If there is a legitimate need or purpose, parents/guardians must be provided with full information such as when the filming is proposed, its purpose, who is filming, how the video will be used or published and an agreement on what will happen once the video has served its purpose.

This allows parents/guardians to provide informed consent or otherwise. Written consent to the filming must be requested from the member and their parents/guardians. Invite parents/guardians to be present at the filming; if this is impractical, allow them to view the video before publication.

Safeguarding Resource Document

Where filming does take place, best practice would be that a club device is used rather than a personal device. Videos can be shared with the participants involved in the video but should not be shared otherwise and videos should not be retained unless through a club management system, for example Team Unify, to allow for comparisons over time to be made on stroke technique for example. Consider a 12 month retention policy as a maximum timeline retaining and deleting the videos. The club privacy notice will need to reflect this activity.

Performance & Elite Athletes

As young athletes progress higher up the competitive pathway within their sport, elite level events are increasingly likely to take place in a public arena. Elite young athletes who have a public profile as a result of their achievements are entitled to the same protection as all other children.

In these cases, common sense is required when implementing these guidelines, for example avoiding the inclusion of names and some other personal details alongside photographs may not be practical or desirable. All decisions should reflect the best interests of the young person. Scottish Swimming provides information, guidance and support to help athletes manage the media.