

Brentwood & District Photographic Club (BDPC)

Page 1 of 4 Issue 1 – 17th February 2015 (reformat 2020) The Photographic Alliance of Great Britain Children, Young People and Vulnerable Adults attending Club Meetings

This document is an advisory document only and does not set out a policy for anyone to follow. It is intended only as guidelines for Clubs to construct their own policy.

Clubs in Northern Ireland should contact the Secretary of the Northern Ireland Photographic Association who have specific requirements for member clubs concerning this topic.

Human Rights policies are created and implemented in order to ensure that no one mistreats, harms or acts in any way that is detrimental to others. A good Child Protection policy creates a safe environment in which children, young people and vulnerable adults are listened to and everyone is encouraged to participate. It is important to ensure that the policy a club puts in place is relevant, realistic and attainable.

This places a duty on camera clubs, and other very small organisations, to ensure that children, young people and vulnerable adults (herein collectively referred to as “vulnerable individuals”) are protected within the environment of club meetings and activities. There is a great deal of legislation to be considered, none of which is specific to environments such as meetings of camera clubs and membership of such clubs.

The PAGB advises all clubs that before allowing vulnerable individuals to become members they have a policy in place to protect vulnerable individuals. As a minimum, these policies should consider sexual, emotional and physical abuse, exploitation and other actions & activities that may be considered harmful. Health & Safety issues and protection of personal data applies to everyone and so is covered separately to this document.

Unfortunately there is a great deal of legislation concerning children and their protection and so it is advisable to consider anyone under the age of 18 years as a child. The Sexual Offences Act 2003 states that the age of consent for sex is 16 years, similar legislation applies in Scotland and Northern Ireland.

However, for 16 and 17 year olds it is illegal to take, show or distribute indecent photographs, pay for or arrange sexual services, or for a person in a position of trust (eg: teachers, care workers) to engage in sexual activity with anyone under the age of 18 years. This age distinction will impact greatly on any policy a camera club may wish to produce and implement.

Also unfortunately, advice published by government, councils and non-government organisations is primarily written and produced for the guidance of organisations directly responsible in some way for the welfare of vulnerable individuals under their care or supervision, which is not the case in the environment of the average camera club meeting.

Firstly, there is no requirement that any member of a camera club should be subject to Disclosure and Barring Service (previously CRB) checks if the camera club decides to admit vulnerable individuals as members.

As a minimum, the protection policy should consider and cover the following points:

☐ The policy should include guidelines to ensure that anyone under 18 years of age is protected from the viewing or taking of images that may be considered suggestive or indecent in nature. It is generally the case that camera clubs do not display or capture indecent images at club meetings or outings. However, it is possible that suggestive images may be displayed or captured and so the policy should have a procedure in place to cover such eventuality. The club may consider that it would exclude those under 18 years of age, or those under 16 years of age from such events. Another consideration would be to allow attendance of those above a particular age provided they were accompanied by an appropriate adult or had the written permission of the parent or legal guardian. Each situation will be different and dependant on the exact nature of the activity involved. It is easy and safe to exclude all vulnerable individuals from such activities but is it appropriate in all situations? This part of the policy requires careful consideration.

☐ The drafting of the policy should consider whether a vulnerable individual should be accompanied by a parent, legal guardian or a responsible adult appointed in writing by a parent or legal guardian.

If the club decides that this should be the case, consideration should also be given to whether such a requirement would apply to those under 18 years of age

or just those under 16 years of age. The decision on age should be made following consideration that the age of consent for sex is 16 years yet anyone under 18 years of age must not be shown indecent images.

☐ At club portrait sessions, taking portrait photographs of vulnerable individuals should be protected under the policy. You may wish to allow such activity but it would be advisable only to allow such activity under the direct supervision of the parent or legal guardian.

☐ Consideration should be given to gaining written permission from the parent or legal guardian for the vulnerable individual to become a member of the club. You may also wish to include several things in this document for the parent or legal guardian to approve concerning attendance and activities at the club.

These approvals could include the following:

☐ If not prepared to accompany the vulnerable individual to club activities, nomination of a responsible adult to accompany the vulnerable individual to club activities.

☐ Agreement to pay the relevant membership subscription.

☐ Agreement that the parent or legal guardian is responsible for the vulnerable individual until they arrive at the club venue and the activities commence and once the vulnerable individual leaves the venue at the conclusion of official club activities. Obviously during the activities the parent, legal guardian or nominated responsible adult is responsible.

☐ Provision for any action or procedure the club officials should implement in the event that the vulnerable individual arrives at a club activity unaccompanied.

☐ Any other provisions the club may consider appropriate giving special consideration to any unique or special activities the club conducts that have not been considered in this document.

☐ A copy of the club rules and the Policy for Protection of Vulnerable Individuals should also be given to the parent or legal guardian.

☐ The guidelines should consider the minimum number of adults allowed to be in direct attendance with a vulnerable individual to ensure their protection. This guideline should also ensure protection from frivolous accusations against club members.

☐ General provisions covering equality of treatment.

☐ Club members should be made aware of the provisions in the protection policy and be reminded of their responsibilities in this respect with some emphasis placed on acceptable language when vulnerable individuals are present.

☐ Consider any safeguards that may need to be put in place should vulnerable individuals have unsupervised access to the internet at club meetings and events.

☐ Photographs of vulnerable individuals and identification of them in club literature is not against the law when illustrating a club activity or generally included in such as a club newsletter even if included on the internet. Obviously such images should not be suggestive or indecent in nature. However, clubs are advised to gain permission from the parent or legal guardian before publishing such images and identifying the vulnerable person.

☐ It is advisable that the parent, legal guardian or responsible adult should accompany the vulnerable individual at all times whilst attending club activities. In the event that such person is involved in other activities within the club then alternative supervision arrangements will need to be made and possibly involve two or more club members taking on the supervision role for that period of time. Think about when the vulnerable individual may need to attend the toilet.

☐ The most difficult part of any policy is the procedure for reporting and handling accusations of abuse. Abuse may be very difficult to spot as often the person perpetrating abuse takes extensive steps to avoid detection and attempts to make all their actions look entirely innocent. It is important to remember that the perpetrators of abuse are not always male. Once reported, some kind of action must be taken and that action may be dependant upon the type of abuse, sexual/emotional/physical, reported. Things to be considered will include if and how to investigate, reporting to the relevant authorities, recording times and dates of relevant club activities and members who were present. There are many more things to consider and it is unlikely that a rigid procedure could be laid down to cover every eventuality. A more considered approach could be to convene a very small group of club officials to decide the best course of action based around a loosely drafted set of guidelines such that the guidelines can be tailored to determine the most appropriate course of action for any event. Hope for the best but prepare for the worst would be a suitable motto.

You may also wish to consider the devastation such an occurrence may have on the credibility of the club and strategies to recover confidence and respect for the club.

☐ It might also be wise to mention that the vulnerable individual should not be allowed to operate, assemble & disassemble equipment or enter the Kitchen. ☐ The club should also consider responsibility for the Health & Safety of vulnerable individuals in the club environment. Such Health & Safety matters actually cover all club members and so are the topic of a separate advice document issued by the PAGB.

☐ Although not related to protection of vulnerable individuals, clubs should consider class of club membership and may wish to introduce “Junior” membership at a reduced rate which could even cover those over 17 years of age who are in full time education. If the club requires that an adult attends with the vulnerable individual then consideration should be given to any membership or attendance fee required to be paid by the adult, particularly if they have no interest in photography and do not take part in any club activities.

Finally, the duty of care towards someone who is a vulnerable individual is even greater than towards fellow adults. It cannot be assumed that a vulnerable individual will fully understand the result of their own acts or the acts of others towards them. It is possible to insure for negligent acts and this is the *raison d’être* for the PAGB Public Liability Scheme to which the majority of clubs and societies belong. The PAGB Scheme Underwriter has applied an exclusion to the Policy excluding “abuse of minors”. This is not new! Abuse has never been covered as it is, almost certainly, a wilful act (even if carried out on the spur of the moment) and not a negligent act. However if a vulnerable individual was abused, the parent could sue the perpetrator and also the club. The Club may become liable if the aggrieved party could establish that they had been negligent in allowing a member to have access to the child. To avoid anyone thinking “OH – the club is insured” it is now clear it is not and if the case is found against the Club it is the Committee who could face the bill. We all tend to think of abuse as being physical but this is not the case. Swearing at, or in the company of, vulnerable individuals could be considered abuse.

It could have a profound psychological effect as could exposure to nude models at a portrait session or display of unsuitable material – not only related to naked bodies but, say, war, persecution or torture. They may possibly see the same images on the television but someone is hardly likely to take on a Television Channel but a camera club could be fair game. This may seem far fetched but something that most of us might take for granted could well be traumatic to others. The Photographic Alliance of Great Britain and the Federations have never indicated that clubs should not accept membership applications from vulnerable individuals and they do not have the power to do so. Clubs are autonomous. However the PAGB do recommend that such membership applications should be qualified. It is recommended that clubs should only agree to allow a vulnerable individual to attend if accompanied by a parent, legal guardian or appointed responsible adult. Care should also be shown if there is a member of the Club who does show an abnormal interest in younger members to ensure they are not left alone with them, even if the parent is present. Should you have any specific questions or require any further clarification and advice please contact the Secretary of the PAGB.

Contact details can be found in the PAGB Handbook and on the PAGB Website at www.thepagb.org.uk.