

Policy statement

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FILMING ON RESERVES

The Trust's nature reserves are used as a photographic and filming resource, not just by visitors to record what they see and experience, but also by organisations wanting to use sites as stages and backdrops for commercial and other promotional activities. These can include music videos, product promotion, fashion shoots, as well as nature documentaries, dramas, and art filming.

There are opportunities to promote the Trust's reserves and work through encouraging their 'capture' by imagery, both by the public and organisations wishing to promote nature conservation messages. Nevertheless, the utilisation of reserves for commercial activities that may not benefit the Trust, or utilise products, subjects or messages conflicting with the Trust's objectives (potentially damaging its profile) requires management. In addition, the Trust needs to ensure that it is credited, and where possible, remunerated by organisations that use our reserves for commercial or other photography that is not aimed at promoting the Trust.

I. Policy

- London Wildlife Trust manages nature reserves for the benefit of wildlife, and safe access by people to have beneficial contact with nature, and their recording by photography, film and other means by the public, that accords with the general objectives of the Trust, is encouraged;
- Photography and filming on reserves by the public should accord to the principle of 'take nothing but photographs, capture nothing but memories, and leave nothing but footprints';
- Photography and filming of habitats, species and biodiversity features on our nature reserves, should respect the sensitivities of the subject, and not result in their damage or disturbance;
- Photography of legally protected species may be subject to the constraints of their respective licensing procedures (through Natural England), and should only take place once these have been authorised in prior agreement with the Trust;
- Discretion should be used to respect the privacy of the general public when photographing and filming people using Trust reserves
- Children, young people and vulnerable adults, should never be photographed or filmed without seeking prior consent from their parents, guardians or carers (in this instance a photography permission form should be filled in). The purpose of the photography/filming must be communicated to the parent, guardian or carer as well as how and where the images will be used.
- The Trust will encourage the dissemination of images and film of its reserves and work through appropriate social media and other channels, and will encourage public visitors, supporters and members to contribute to this, and to credit the Trust as appropriate;
- The use of Trust reserves by organisations or individuals wishing to film for the promotion of nature conservation, wildlife research or the promotion of the Trust and its work, is encouraged, subject to the Filming Guidelines (below);
- Relevant site management plans will be referred to for specific areas and times in which photography and filming which may be inappropriate, in order to implement proportionate actions in which to best manage this. These may include;

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- installing appropriate signage where necessary;
- in areas of sensitivity, taking necessary action to discourage or exclude access, including permanent or temporary fencing;
- Anyone found to be filming or photographing which is intrusive, inappropriate and/or damaging to Trust property will be asked to cease doing so immediately and maybe reported to the police;
- The use of Trust reserves for commercial filming of products and services is only acceptable if it is in general accord - and not likely to conflict - with the Trust's objectives. Such activities need to accord with the Filming Guidelines (below), and are subject to the constraints of a reserve's tenure arrangements;
- Commercial filming on Trust reserves which conflict with the Trust's objectives and/or likely to damage our reputation is not allowed. The Trust will seek compensation and/or legal redress if such activities are discovered during or after the event;
- We will seek to ensure that the Trust is credited, and if appropriate, remunerated for hosting filming and photographic activities, especially for those of a commercial nature (see Appendix 1);
- Trust staff and volunteers should maintain a regular overview of the level of filming and photography by others on its reserves, and if it appears damaging to bring this to the attention of the Reserves Manager and Campaigns & Communications Manager;
- The Trust will photograph and film its reserves for its own purposes, such as recording, publicity, and promotion, and will accord to the general approaches set out above (see Appendix 2);
- Any image or film we publish or disseminate from Trust sources, or used with permission for third-parties from the Trust's image library, will be credited to the photographer if known. If the photographer is not known it will be credited as *London Wildlife Trust*;
- We will maintain and manage an up-to-date image library of our reserves and activities, including historical images, and endeavour to ensure this is of the quality to meet our needs.

The Trust will review this policy and amend it as appropriate.

2. Context

The rapid growth of cheap and easy digital photography over the past decade means that the volume of images taken on Trust reserves has risen exponentially. Digital film is also easier, and more energy efficient and mobile than old analogue technology. The rise of Flickr and other image-sharing website galleries has resulted in a plethora of images of the Trust's reserves reaching the public domain, mostly without the control nor acknowledgement of the Trust.

Other than by the public for their personal use, the level of filming use for research, commercial or promotional use on most Trust reserves is not known. Camley Street Natural Park, Gunnersbury Triangle, and Sydenham Hill Wood, for example, have a history of filming, TV, and photography shoots (e.g. fashion), some of which has been primarily to promote the Trust. A number are used by students for film and art projects. In most of these cases, these have been organised at the outset in liaison with reserve staff. Their impacts on site are negligible.

Nevertheless, the use of a reserve for a major piece of filming can require significant equipment, including lighting, generators, and cabling. Whilst the long-term impacts of these are likely to be negligible, there could be short-term impacts, not only to wildlife, but also to users. Of more concern is the use of reserves for commercial filming, which can be either detrimental to the Trust's public image and/or not sufficiently remunerated. In some cases these will occur without recourse to the Trust due to the high number of reserves without a regular staff/volunteer presence and access is freely available at all times. There are also examples where the Trust is not

credited or acknowledged in the final product, and staff and volunteer time has been accrued in helping to organise activity.

The Trust's reserves are unlikely to provide a regular stage for film productions, and the Trust – on most of its sites – is not in a position to offer locations on a commercial basis. Many of the existing licences and leases which the reserves are subject to preclude commercial activities, and/or covered by the local authority's requirements on sites in which they are the owners. In addition, the Trust is aware of the adverse commentary that some greenspace providers have faced when parks have sought to secure income through hosting commercial activities.

Finally, the issue of photographing people, especially children and vulnerable adults, requires due sensitivity and appropriate protocols to protect the Trust in its activities.

3. Filming by the Trust for the Trust

The Trust will take and at times commission images or filming for a number of reasons and uses, including:

- reserve records, such as fixed-point photography monitoring;
- printed materials such as *Wild London* or reports;
- display materials, such as flyers and leaflets;
- to issue to the media alongside press releases;
- to use on the internet, website and on social media networks.

Images, either digital or print are primarily taken by a member of staff or volunteer, by a commissioned freelance photographer; or taken and submitted by a third party.

Trust staff and volunteers are encouraged to record their sites, activities and flora & fauna, in order to maintain good records of the Trust's work, and to facilitate the information the Trust holds on its reserves. These should be of adequate resolution appropriate for their likely use, and should be downloaded in the image library on the W Drive. Images of particular note should be drawn to the attention of the Communications Team.

The Trust will, where appropriate, commission professional photographers to record species, habitats and Trust activities. See Appendix 1.

Any image or film published or disseminated by London Wildlife Trust from Trust sources, or used by third-parties from the Trust's image library, will be credited to the photographer if known. If the photographer is not known it will be credited as *London Wildlife Trust*.

The Trust's image library is a mixture of digital, print, slide and video. Work is required to collate all these material into a usable resource.

4. Filming Guidelines

Personal use

Public visitors to Trust reserves are free to take photographs and film of the reserves, their wildlife and features, and should adopt the 'take nothing but photographs, capture nothing but memories, and leave nothing but footprints' approach. The public should be encouraged to respect sensitive spots and times on reserves, through appropriate signage or interventions.

The public can only take photographs of or film people on Trust reserves with their express agreement; this also applies to Trust staff and volunteers. In the case of children and young people (under the age of 18) and adults needing care, any photography requires prior consent from parents, guardians or carers (a photography consent form should be filled in – see Appendix 2).

Filming people

Children (under 18) cannot give their own consent to photography; the consent of a parent or guardian is required. A teacher or community group leader may be able to authorise consent for a group of children being

photographed for publicity purposes. It is possible that some individual children within a group may be under the protection of a court order or similar and so should not be photographed as it can potentially pose a risk to their safety. In this case the child should not be included in the photograph/ filming. This should be done in a way that does not upset or draw attention to the individual child concerned. Alternatively group photos should be avoided.

Research

The use of Trust reserves for research filming and photography is encouraged, especially if this serves to enhance the ecological knowledge of the site(s) in question. All filming and photography requests should go to the appropriate reserve manager (if in doubt, to the Reserves Manager).

Photographers should adopt the 'take nothing but photographs, capture nothing but memories, and leave nothing but footprints' approach. Researchers should be encouraged to respect sensitive spots and times on reserves, through discussion with reserve managers, and appropriate signage or interventions.

The Trust and the reserve(s) should be credited in any published research work.

Not-for-profit filming

Filming and photography by representatives of charities, schools or other institutions, where the results will be used solely for educational or charitable purposes, are in general accord - and not likely to conflict - with the Trust's objectives, and not for the purpose of generating income to the organisation, are in principle permitted, subject to prior arrangement with the appropriate reserve manager (if in doubt, to the Reserves Manager). In cases where the timing and scope of the activity may be significant the Trust will request an impact assessment in order to determine our decision.

Proposed film and photographic use of Trust reserves by students for art and other non-ecology based work is generally permitted, subject to prior arrangement with the appropriate reserve manager (if in doubt, to the Reserves Manager).

Commercial filming

The Trust's nature reserves are not to be used for commercial gain, or to promote company products and services, without prior assent of London Wildlife Trust. Commercial filming of products and services on Trust reserves is only likely to be acceptable if it is in general accord - and not likely to conflict - with the Trust's objectives, and maybe subject to specific constraints of a reserve's tenure arrangements. All requests need to be made by e-mail or in writing to the Fundraising & Marketing Department. In cases where the timing and scope of the activity may be significant the Trust will request an impact assessment in order to determine our decision.

Commercial filming on Trust reserves which conflict with the Trust's objectives and/or likely to damage our reputation is not allowed. The Trust will seek compensation and/or legal redress if such activities are discovered after the event.

Any images film or photography taken on London Wildlife Trust reserves are not to be sold or exchanged for any fees or services without prior agreement of the Trust. This includes any commercial photography and filming, stills or portfolio work. The Trust will seek compensation and/or legal redress if such activities are discovered after the event.

Remuneration

The Trust will seek to secure the costs incurred for the use of reserves for filming and photography as it deems appropriate. In the case of filming on reserves, which does not encompass any PR benefit for the Trust, and has passed all other stipulations, a remuneration scale will be set by the Fundraising and Marketing department. The remuneration scale will be set to only support projects which offer a significant financial benefit to London Wildlife Trust in order to ameliorate any costs incurred by the Trust.

Credit

London Wildlife Trust should be acknowledged in all published filming and/or material associated with published film and photographic works other than those for personal usage. Commercial photographers, who have been commissioned and paid by the Trust, should give the Trust the right to use the photographs in perpetuity in any context. A photographic credit may be given to the photographer subject to the agreement of the Trust.

5. Legislation

There are a number of species that are afforded different levels of protection under wildlife law, particularly the Wildlife & Countryside Act 1981 and the Conservation of Habitats & Species Regulations 2010. Filming and photography of a protected species could mean undertaking actions that would involve committing an offence under the current UK wildlife legislation, and as such the photographer may require a license from Natural England. On the Trust's reserves the majority of protected species are bats, water vole, breeding birds, some herptiles, and stag beetle.

There is no legal restriction on photography in public places (including of children), and there is no presumption of privacy for individuals in a public place. However, specific bye-laws in which Trust reserves are subject to may apply, and any constraints of such bye-laws, should be identified and adopted in each reserve management plan. In addition, decisions may be made locally by the police or other authorities to restrict photography, for example to protect children.

6. References and useful links

Film London (2009), *London Code of Practice* http://filmlondon.org.uk/filming_in_london/planning_your_shoot/code

Mayor of London (2009), *Green Screen: Helping London's Film and TV industry take action on climate change*, Film London & Mayor of London http://filmlondon.org.uk/library/documents/Green_Screen_Full_Report.pdf

7. Related Trust policies

Reserves Management Policy (2011)

Safeguarding Children and Adults Policy (2012)

8. FAQs

Do I need a permit to film at a Trust reserve?

- *If it's for personal and private use, you are free to photograph and film on Trust reserves as long as no damage is caused to flora, fauna and fungi, and any specific site requirements (such as sensitive areas) and legal obligations (e.g. protected species) are respected. If you are intending to disseminate images taken on Trust reserves (eg Flickr), we would be grateful if London Wildlife Trust are credited.*
- *If you wish to photograph or film a protected species, this may require a licence, and we ask you to contact the Trust's Reserves Manger in advance to discuss.*
- *If you are intending to commercially benefit from filming on a Trust reserve please first contact the Trust's Fundraising & Marketing Team.*

Can I photograph people at Trust activities?

- *We advise that any filming or photography of individuals not known to you and that could be clearly identified, to seek their permission in advance. Children (under 18) cannot give their own consent to photography; the consent of a parent or guardian is required. General photographs and filming that show people in the middle or far distance (i.e. not easily identified) are free to take.*

Shouldn't the Trust promote its reserves through filming?

- *We recognise that some of the Trust's reserves provide excellent venues and backdrops that can be used for film and photography, both commercial and non-commercial. The Trust will permit proposals for commercial activities if they do not conflict with our objectives and do not damage a site, and we will secure a contribution for the Trust as recompense. In some reserves we are precluded from hosting commercial activities, through specific clauses of a lease or licences.*

Appendix I: Photography and filming taken by or on behalf of London Wildlife Trust

Permission for photos; In order to protect the Trust against any action for breach of the Data Protection Act, you must obtain prior permission for the use of photographs outside the domain of authorised Trust publications and media. For further advice please contact the Communications Team.

Photos of children; Children, young people (under 18) and vulnerable adults cannot give their own consent to photography; the consent of a parent or guardian is required. Such consent must be obtained from the child's parent or guardian on the official consent form (see Appendix 3). The Trust will accept another consent form (such as one obtained by a school) provided it meets the Trust's standards and authorises London Wildlife Trust to use the image. For further advice please contact the Communications Team.

Schools and community group photos; A head teacher or community group leader may be able to authorise consent for a group of children being photographed for publicity purposes. Head teachers routinely obtain written permission from parents to allow their children to be photographed whilst at school or participating in activities, which the school are involved in. The teacher/leader must sign the Trust's consent form (or similar) to accept responsibility on behalf of the parents, for the children being photographed/filmed.

Withdrawal of consent; An individual who has given consent to be photographed may wish to withdraw that consent at a later date. If consent is withdrawn the individual must be advised that the Trust cannot recall any publications or films in which their image appears. However, once consent is withdrawn no further use can be made of that individual's image and it should be deleted.

Use of images in Trust publications; Care should be taken to avoid including any personal information where images are used. If images of people are to be used, the inclusion of detailed personal information will be avoided.

Use of images on social media sites; Photos taken at events may be included on the Trust's Facebook page. These images can be seen across the web, and anyone choosing to access the Trust's social media sites. No personal information will be used with these images, to ensure those pictured are protected. They will only be used as part of the Trust's promotional purposes.

Correct use of images; There are two potential consequences of using an image wrongly:

1. Committing a libel
2. Disclosing personal data in breach of the Data Protection Act

To minimise any risk the photograph must be used in its proper context. It is not recommended to use a specific photo of an individual to illustrate a general topic without making explicit reference to this in the caption. For further advice please contact the Communications Team.

Storing images; Digital images will be stored on the Image Library under the relevant file. Images containing individuals should be stored in a restricted file with a copy of the relevant completed consent form, which only the Communications Team has access to. Images will be filed by date and year, and will be reviewed every three years by the Communications Team.

Disposal of images; Photographs that are out of date or no longer usable will be archived, and labelled clearly to that effect.

Commissioned photographers - If any Trust staff or volunteer wishes to have photos taken or a film made to promote the work they are doing, they must always seek advice from the Communications Team.

Any photographers commissioned by the Trust to photograph and/or film people, or be in close proximity to them will have been subject to a CRB check. The Communications Team will approve all commissioned photographers.

Copyright – If photography is being commissioned and purchased from an external photographer, the Trust must be clear that it expects to purchase not just specific prints or uses of the photograph, but rights to use the photograph where and when it pleases

Appendix 2: Photography consent form

Ground Floor
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Web: www.wildlondon.org.uk



Parental Consent Form for media work

Personal Details of Child

Name: _____

Date of Birth: _____

Contact address and telephone number for a parents/guardian

Name: _____

Address: _____

Post Code: _____ Home Tel No. _____

Work Tel No. _____ Mobile Tel No _____

Please sign here if you are happy for London Wildlife Trust to take photographs/film of your child which may be used in publicity purposes and/or our publications

Signature: _____

London Wildlife Trust will use the information you provide on this form for internal purposes only and will not pass on the information you provide to any outside organisations without your prior consent. This is in accordance with the Data Protection Act 1998.

For Office Use Only

Date Photo/quote taken:

Description of Photo/quote:

Site/Location:

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