



**Guidance on protecting programme participants**

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## Background

The diversity of content commissioned and broadcast by ITV is constantly evolving. Much of that content involves members of the public taking part in programmes in a variety of genres, formats and situations. ITV has always prided itself as “the heart of popular culture”, where the lives of ordinary people are fully represented, and it is vital that non-celebrities as well as celebrities and professional performers should be able to appear in our programmes. Television remains a central communication medium in our culture, and must properly reflect our modern society and all of its diversity.

Our programmes are enjoyed by millions of viewers, and we have the creative freedom to make the programmes we want. Likewise, people should be able to express themselves or follow their own ambitions by taking part in these programmes if they want to. However, as programmes involving the public have evolved, so have the pressures on those who enter the public eye through appearing in these programmes; from wider media interest, and in particular from the intensity of social media interest.

Whilst the practical detailed processes required to manage participant welfare in each programme must sit with producers to create, ITV as a broadcaster and commissioner of content should provide guidance on what we consider to be best practice: in the selection of participants before filming, in their support throughout filming, and in continued support until and after broadcast of the programme.

## The Ofcom Broadcasting Code

The following Rules will shortly come into force in relation to protecting participants in all programmes, other than dramas:

**Rule 2.17: Due care must be taken over the welfare, wellbeing and dignity of participants in programmes.**

**Rule 2.18: Participants must not be caused unjustified distress or anxiety by taking part in programmes or by the broadcast of those programmes.**

Producers are directed to read Ofcom’s published detailed Guidance on these Rules. But the essential elements of these Rules are:

“Participants” - these Rules seek to protect all participants, that is, everyone who agrees to take part in programmes (except dramas), other than presenters and reporters.

“Due care” – this concept is key to the first Rule: the required steps to satisfy due care will vary considerably, depending on the individual participant, the nature of their experience in the programme, the format, and the degree of control the broadcaster/producer has over that experience.

“Unjustified distress or anxiety ” – this concept is key to the second Rule: since there are editorial contexts where it is justified for programmes to subject participants to situations that are likely to produce some distress or anxiety (eg when competing against others in a talent show, or undergoing emotional or physical challenges in a factual entertainment or reality show).

We should consider and treat each participant as an individual. For example, some individuals might already be potentially vulnerable, or might be placed in situations during the programme that might make them vulnerable.

These Rules require us to consider the impact on participants of taking part in the programme and the impact on them of the broadcast of the programme.

They are also closely related to Rule 2.3, which concerns viewer offence. Participants displaying distress or anxiety may itself cause offence to viewers, which must be justified by the context. If it is not sufficiently clear to viewers that participants are properly supported by the programme makers, then this is more likely to cause greater offence.

### **Mental health awareness**

ITV's focus on the mental health of our programme participants is not new; many long running ITV series have had processes in place for many years to assess and support participants' mental health throughout production. But society is now more concerned and better informed about mental health issues and the increasing challenges to mental health that cultural developments such as social media have created, especially for younger people. The television industry is therefore now more focused on the mental as well as the physical health and safety of people who take part in our programmes.

ITV recognises its responsibility to have in place appropriate procedures to identify risks to participants' mental health and welfare, and to take steps to properly mitigate those risks; to seek appropriate expert advice where necessary, when casting or selecting participants and supporting them whilst taking part in our programmes; and to consider appropriate aftercare, especially where the format of the programme involves participants in challenging situations, or may involve conflict, competition, or other activities with potential psychological impacts.

### **Informed consent**

A central foundation of television programme making and regulation is the informed consent of participants deciding to take part. Depending on the type of participation, that informed consent may now include being properly informed about potential downsides of taking part, as well as the benefits. Television can provide people with a platform and opportunities to transform their lives (and that of others) for the good. Indeed, many thousands of people apply to take part in ITV programmes every year with these potential positive benefits in mind. It is part of our mission as a broadcaster and programme maker to enable people to have these experiences, whilst ensuring that we properly inform them and manage their expectations, and prepare them for possible negative aspects of sudden fame.

What has changed and intensified in recent years has been the ever-increasing negative, hostile and even hateful comment directly from the public, via the echo chamber of social media. Participants particularly in high profile programmes therefore need to be made aware that (for example) appearing on TV may lead to intrusive scrutiny of their past lives or social media history, and that people who know them may provide stories about them (true or otherwise) to the press or through social media.

### **ITV's commitment and expectations**

Broadcasters and producers both have responsibilities as a matter of general health and safety law. ITV is committed to having in place in all commissioned programmes suitable processes to protect the mental health and welfare of programme participants, so far as reasonably practicable. ITV acknowledges that these processes must be proportionate to the likely risks, given the programme format and the individuals concerned, and this must be taken into account at the point of commission when considering the cost of production.

We therefore expect all producers of our commissioned programmes to have in place appropriate procedures to look after the mental health of programme participants as well as their physical safety, so far as reasonably practicable. ITV's compliance team will seek confirmation from our producers, as part of the programme compliance process, that they have appropriate procedures in place throughout the pre-production, production, and post-production stages.

## **Identifying and assessing participant mental health risks**

This guidance sets out how ITV approaches issues of mental health risks to programme participants, and what we consider to be best practice in identifying and managing those risks. All commissioned producers should of course develop their own processes reflecting best practice and suitable to their production.

### **A. Identifying mental health risks**

The following general factors should be considered during the development of each production, and should inform the procedures required to protect the mental health of participants:

#### **Control:**

- The programme involves the participants being unscripted but directed in staged or "constructed reality" situations.
- The programme involves the participants' environment being created or largely controlled by production teams, with continuous filming.

#### **Format:**

- Key editorial elements will include potential confrontation, emotionally challenging situations, or increased anxiety.

#### **Profile:**

- High levels of press/media interest and social media interest in the show/participants are anticipated.

#### **Location/Duration:**

- Participants are required to be away from home for filming.
- Participants will not have contact with their usual support network (family/friends) during filming.

#### **Residence:**

- Participants are required to be in shared accommodation for a sustained period of time.
- Arrangements include living in close proximity to others, or could otherwise potentially impact on mental health, for example if they impact on participants' sleep.

#### **Type of participant:**

- Participants are not used to being in the public eye.
- Participants are considered more likely to be vulnerable.

## B. Assessing the risks

Having considered the factors above, an evaluation of 'lower', 'medium' or 'higher' may be applied by the production team to each of these risk factors on a programme.

The following table provides guidance by way of illustration of factors producers may consider to be categorised as lower, medium and higher risk in assessing the production overall. This list is not exhaustive.

	Lower	Medium	Higher
Control	Documentary portrayal of a real situation (ie largely observational, unstaged).	Directed or "produced" scenarios or discussions.	Artificial environment (eg location or activity).  Producers have near total control of the environment being filmed, and activities of the participants.
Format	Generally does not include emotionally challenging situations.	May include some emotionally challenging situations or increased anxiety, but these are not central to the content.	Key editorial elements include potential confrontation, emotionally challenging situations, or increased anxiety.
Profile	Relatively low degree of media interest in the individuals featured in the show anticipated.  Relatively low degree of social media interest in the participants anticipated.	Some interest in the participants featured in the show anticipated.  Some degree of social media interest in the participants anticipated.	High level of press and media interest in the show and participants anticipated.  High level of social media interest in the show and participants anticipated
Location and duration	No need for participants to travel far from home or be filmed for long periods.  Filming the normal day to day activities of participants.	Participants are required to be away from home, although not in a remote location.  Able to maintain contact with natural support network.	Participants required to be remote from home, in a potentially "alien" environment.  No contact with their natural support network during filming.

<b>Residence</b>	Time away from home short and not significant (eg overnight in a hotel).	Filming for a short period away from home.  Accommodation shared, but by a small number of people/ people who already know each other.	24/7 shared accommodation for a sustained period of time.  Nature of accommodation could have a potential impact on participants' sleep.
<b>Participants</b>	Participants are celebrities.  Participants already have a public image or large following on social media.  Participants have access to personal management, advice and representation before, during and after the production.	Participants are not used to being widely known in the public eye.  Participants may have or used to have some public profile, and are seeking to increase or revive that profile.  Participants have disclosed, or are suspected to be, pre-disposed to poor mental health, although currently displaying good mental health.	Participants are not used to being in the public eye.  Participants have disclosed recent or current mental health issues.  Participants considered more vulnerable eg young or elderly.

### **C. Managing the risks**

Having identified and reviewed the risks above, producers should consider what measures can be put in place to reduce those risks (so far as reasonably able).

Where productions have medium or higher risk elements, producers should always discuss their participant protection processes with their ITV commissioner and the compliance lawyer or advisor allocated to their programme. The production may require expert psychological advice and support.

Significant risks (those identified as medium or higher) should be recorded, along with the processes in place to manage them. These productions should therefore have a written risk management plan and processes/protocols for protecting the welfare and mental health of programme participants. ITV will require producers to provide written details of their risk management plan and processes, prior to the casting of participants, to ITV compliance and commissioners. Risk management plans and processes will be shared with ITV's risk management team in relation to medium or higher risks. Regular reporting of risk in programmes and the control measures introduced is a key element of risk reporting within ITV.

If it is not agreed that the proposed measures are sufficient to mitigate any medium or higher risk, ITV and the producers may need to consider changes to the content, programme set up, casting or format etc.

The Appendix below provides guidance on steps that ITV suggests producers should consider, depending on whether risks identified are lower, medium or higher.

## **D. Review**

Participant risk factors may change in an established programme or series over time, as a result of new features and the evolution of the content, the type of participants that apply, and changes in viewer attitudes.

Participant welfare processes should therefore be reviewed periodically, and in particular when there is a change in the programme set up or programme format. In the event a returning/re-commissioned programme contains potentially medium or higher risk elements, this review should be annual, or undertaken prior to pre-production/casting of a re-commission.

### **Further help & guidance for Producers**

This guidance is part of ITV's wider risk management framework and health and safety management system, which underpins ITV's Duty of Care Charter.

ITV's compliance and health and safety risk teams can provide advice and support to ITV commissioned productions. For example, they can advise producers on the experience, expertise and qualifications desirable for independent expert psychological advisors supporting a production.

All productions must consider data protection requirements relating to any personal data requested, reviewed or stored. Further guidance can be sought from the ITV data protection team.

# Appendix

## Lower risk programmes

At a minimum producers should:

### Pre-production and casting

- obtain informed consent from participants;
- provide information about the nature and purpose of the programme and their contribution;
- seek to identify health issues and/or vulnerabilities which might influence ability to give informed consent or to take part, where relevant;
- consider reasonable adjustments, where relevant.

### During Filming

- monitor for signs of stress, anxiety or other mental health issues, and act on any concerns;
- seek advice from ITV's compliance team and/or central risk team if any concerns arise;
- ensure adjustments identified during casting are in place, and monitor use.

### Aftercare

- provide participants with a production contact (who will not become unavailable once the production team has dispersed after filming), and a backup contact;
- make clear to participants they can seek advice or support at any time;
- provide advice on potential hostile social media comment post-broadcast, if relevant.

## **Medium risk programmes**

At a minimum producers should:

### Pre-production and casting

- obtain informed consent from participants;
- provide information about the nature and purpose of the programme and their contribution, and if relevant possible negative consequences of taking part;
- seek disclosure of mental or physical health conditions that may be relevant, for example via a health and background questionnaire;
- seek to identify other vulnerabilities which might influence ability to give informed consent, or to take part, and consider reasonable adjustments;
- Where mental health issues or other vulnerabilities are flagged, refer the assessment of the participant's suitability to an expert psychological advisor.

### During Filming

- monitor for signs of stress or other mental health issues, and act on any concerns; this might be achieved by including trained mental health first aiders in the production team to identify significant changes in behaviour;
- have expert psychological support available and on call during filming (eg by phone).
- seek advice from the expert psychological advisor, and/or ITV's compliance team, and/or central risk team, if concerns arise;
- ensure any adjustments identified during casting are in place, and monitor use.

### Aftercare

- provide participants with a production contact (who will not become unavailable once the production team has dispersed after filming), and a backup contact;
- make clear to participants they can seek advice or support at any time;
- provide advice on potential hostile social media comment post-broadcast;
- prepare participants for adjusting to home life;
- contact participants immediately before transmission, to ask about their post filming experiences, and afterwards, to check on their wellbeing.

This could be achieved by a formal "debrief" with the expert psychological advisor and/or the production team.

## Higher risk programmes

### Pre-production and casting

In addition to the medium risk steps:

- have discussions with potential participants regarding the potential downside of participation in the show – for example, press intrusion, social media negative comment and “trolling”, people they know giving stories to the press about them, examination of their past social media posts etc; record the outcome of these discussions.
- encourage them to discuss with their families/ friends/ personal support network before making any final decision to participate.

### During filming

In addition to the medium risk steps:

- have expert psychological advice accessible 24/7;
- have dedicated individuals (i.e. a Welfare Producer or team) to oversee the physical and psychological health of participants (including monitoring sleeping, eating etc).

This could be achieved by:

- having a dedicated mental health professional on site or on call with ready access to the site if necessary;
- having a welfare producer who will:
  - oversee participant welfare and provide welfare support throughout production;
  - be a single point of contact for participants, from casting to aftercare;
  - liaise with expert advisors and producers to ensure adjustments and medical provision are in place.

### Aftercare

In addition to the medium risk steps:

- provide a psychological debrief;
- provide training to help with transition to home life or increased media presence;
- undertake follow up assessments;
- provide a proactive programme of formal aftercare support eg counselling.

This could be achieved by:

- ensuring all participants undergo a debrief soon after they have finished filming, and before returning home. The debrief should include:
  - a psychological assessment;
  - giving details of how the participant has been portrayed; if already broadcast, encouragement to watch the programme or series;
  - details of press and social media interest in the production and the individual
  - social media training;
  - financial awareness training;
- Agreeing ongoing support. This can be tailored to the individual, but a minimum level of support for all participants should be agreed with the expert psychological advisor.