



**Viewer Trust in ITV**

**March 2024**

## **VIEWER TRUST IN ITV**

ITV has a relationship of trust with our viewers. In the era of “fake news” and “post-truth”, it is a key responsibility and a foundation of ITV’s editorial values that our programmes should retain our viewers’ trust. We have a duty not to materially mislead or deliberately deceive them.

ITV places great trust in the integrity and honesty of programme makers, and we expect them to be open with us at all times. We want programme makers to deliver the best programme possible, and the most difficult issues can usually be resolved by collaborative discussion. Openness should be at the heart of the commissioning process, and it is not acceptable to withhold significant information from the ITV commissioner or the compliance team. We will take action against any programme maker or production company found to have knowingly deceived the viewer, or us, and we may decline to work with them again.

The production company must ensure that:

- The production team is adequately staffed and resourced to deal with the demands of the programme – including appropriate training and supervision. Inexperienced team members must be properly managed, especially if they are dealing directly with contributors or other members of the public. Important tasks must be entrusted to people with suitable skills or experience.
- The production team is aware of the importance of compliance and is familiar with the Ofcom Broadcasting Code and these Viewer Trust guidelines.
- The production company has in place effective procedures so that any concerns about viewer trust or other important editorial issues can be referred up quickly within the team to an Executive Producer, and then to ITV.

### *What are we watching?*

Whatever the genre of programme, it should always be clear to viewers what it is they are watching, and truth must not be sacrificed to make programmes more entertaining or impactful.

There are many different ways to tell a story. All TV programmes are constructed to create a narrative, and material is always selected and edited to tell that story in the most effective way. But programme makers must not invent or fake events or present reconstructions as being actual events in any factual content, whatever the genre.

Anyone involved in a production who is concerned that their programme is putting viewer trust at risk should be able to voice those concerns to their Executive Producer and/or to ITV. “It’s always done like that” or “the show didn’t work without it” are not acceptable excuses for a viewer trust issue to be concealed.

Viewer trust issues can arise in many different genres. For example:

Factual & documentary - The source and authenticity of any third-party footage included must be verified.

Reality and Entertainment - formats involving real people living in controlled environments, and competing with each other in performing tasks or displaying talents, will compress many

hours of filming into short dramatic sequences. Edited material should reflect fairly how the participants behaved, and why they behaved that way.

“Constructed” Reality - formats may involve real people interacting in their real lives but in directed situations, and then often commenting directly to camera on each other’s behaviour. These formats are now well established with viewers, and although they are highly “produced” rather than simply observational, they will generally not breach viewer trust principles where the genre and the conventions being deployed are sufficiently clear to viewers.

“Factual dramas” - dramas based upon real events and real individuals will usually invent certain events or characters, and change or simplify chronology, in the interests of dramatic effect and narrative clarity. Real life is generally more complex than any drama’s chosen story arc. But factual dramas should still be based upon careful research, and should not distort important facts in a way that is unfair to any identifiable real people being portrayed.

“Deepfake” - Where any programme includes material created by “Deepfake” software, that material should be clearly identified as such to avoid any risk of misleading the audience or creating unfairness to anyone depicted.

### *Editing*

Editing is the basic tool of programme making. Many editing devices are familiar to viewers – the cutaway, the reverse, the fade, the sound overlay – even though they may not always be consciously aware of these narrative techniques.

Editing must not distort or misrepresent facts, comments, reactions or context. It must not give a misleading impression that would lead viewers to a significantly different conclusion about events or the individuals portrayed. This applies to factual entertainment and reality TV as well as traditional documentary.

Interviews must be edited fairly and must not misrepresent the person’s views. An answer to a specific question must not be used to respond to a different question. Producers must consider the significance of what is being left out as well as what is included.

### *Actuality*

If a programme presents footage as being “actuality”, ie real events recorded in real time, then the footage should be just that. Faking actuality, ie inventing things that did not happen, and presenting them as actual events, is not acceptable whether it is done during filming or in the edit suite. Presenting footage so ambiguously that the viewer will conclude, wrongly, that it is actuality, is not acceptable.

This does not affect standard programme-making conventions. For example, it is ok to ask a contributor to repeat everyday actions for the camera to use as establishers, “wallpaper” shots or illustrative cutaways, or for interviewees to record “noddie” reaction shots or “pick-ups” to cut into an interview sequence during editing. A presenter piece to camera filmed later to clarify the narrative is ok, providing it does not actively mislead viewers as to when it was shot. A reconstruction of events is acceptable provided it is clear to viewers, either by labelling or editorial context, that is what it is.

In reality and formatted factual entertainment shows, participants are often shown responding to situations or challenges that are created by the programme makers – they will be doing things because we have asked them to. This is not a viewer trust problem when the viewer knows that they are watching something contrived or directed by the producers, or required by the nature of the show format.

But having a programme participant act out or re-enact significant actions and events, and passing this off as actuality, is unacceptable. Provoking or encouraging atypical or “bad” behavior by participants, which wouldn’t have otherwise happened, without showing the audience what provoked that behavior, is unacceptable.

If in doubt, ask yourself: would you be worried if any aspect of the programme’s making was revealed in public and in the press? If there is something that would be uncomfortable to have to defend or explain, then query whether it should be included at all.

### *Chronology and compression of time*

Chronology – factual programmes and factual dramas sometimes need to simplify the chronology of events for narrative clarity, which is usually unproblematic. In a factual programme it may also sometimes be reasonable to portray a slightly different order of events to that of the strict chronology of filming, perhaps to tell a story more clearly, where to do so makes no material difference to the overall meaning for viewers.

Compression of time – devices like the fade or wipe are common means of signalling the passage of time. But if the programme’s narrative or format depends on the importance of a particular time scale, then care is needed to avoid the audience being misled. Likewise, if time shifts are significant to the story but are not obvious to the viewer in the programme, the actual chronology should be shared with the commissioners and compliance to consider.

### *Interactivity*

In all programmes involving viewer interactivity, it is essential that when decisions are placed in the hands of the viewer (eg in a viewer vote, or when they are invited to take part in a competition), then we ensure there is a robust and verifiable process that delivers the outcome fairly, and which is not distorted by editorial preferences. All programmes with interactive elements are subject to ITV’s Interactive Guidelines, and these elements will be overseen by ITV Interactive and compliance staff.

### *Hoaxes*

There will always be people who want to fool us. They may provide faked footage, or try to become show participants with the intention of gaining celebrity or notoriety, or simply to embarrass us.

So we cannot always take what people tell us at face value. If what they say sounds too good to be true, it probably is. Producers must make careful checks to ensure that people are who they say they are, and have done what they claim to have done.

Any serious doubts about participants or acquired third party footage should be referred to the Executive Producer and discussed with the commissioner and compliance before a decision is taken to include the individual or footage.

### *Covert recording, Deception and Set-ups*

ITV treats covert recording very seriously, and never undertakes it lightly or without careful consideration. I

There must be a public interest to justify secret filming or deception in the production of news, current affairs or factual programmes, and its use must be proportionate to that public interest. Likewise the use of deception must only be employed when evidential material could not have

reasonably been obtained through other means, and it must be proportionate in all the circumstances.

Covert recording for investigative purposes usually involves some breach of privacy, and is usually broadcast without the consent of those filmed. It therefore should only be carried out when it is warranted, such as where it is necessary and likely to provide evidence for a story in the public interest, and that this public interest outweighs privacy considerations.

Approval for any sort of deception and for covert filming is required from the Director of Legal & Content Compliance (or an authorised alternate) at two stages: the decision whether to record covertly at all, and then the decision whether to include the material in the programme. The same approval is required for the use of acquired third-party covert recordings, which again generally should reveal matters of public interest.

In contrast to investigative filming, British TV also has a long history of carrying out secret camera “set ups” on members of the public and celebrities purely for entertainment purposes. In such “set up” or “wind-up” situations it would often defeat the exercise to seek to obtain consent of the subject prior to filming. Since there is unlikely to be any public interest in such filming, consent therefore needs to be obtained from the individual concerned after the filming and prior to broadcast. If an individual is not identifiable in the footage or is purely incidental to what is being filmed, it may be possible to broadcast the item without their consent, but compliance advice should always be taken.

#### *Due Accuracy*

Programmes should not get factual information wrong, either deliberately or by poor research.

Respect for due factual accuracy is essential. Due means adequate or appropriate to the nature and subject matter of the programme. We should never be economical with the truth simply to make a show more entertaining or convincing.

Stated facts and figures must therefore be checked, and producers must be able to provide credible sources for them. They should not always rely on statements made simply because an interviewee, even an “expert”, has made them. It may make for a good soundbite, but is it right? If assertions of fact are not capable of corroboration, and/or fly in the face of other known evidence, this should be flagged and discussed fully at the offline stage with commissioners and compliance.

Fact checking is also important when criticism of a third party is involved. It may not be enough simply to give the third party an opportunity to reply, especially if the criticism itself is being made on the basis of factual claims that are demonstrably wrong, or anonymous.

#### *Crime and anti-social behaviour*

Filming crimes, or people talking about crimes, raises issues of ITV’s social responsibility as well as Ofcom Broadcasting Code issues, and always requires advice. Someone admitting to carrying out a criminal act may be investigated and prosecuted after transmission. A police inquiry may involve a production team being identified, questioned, and possibly even required to give evidence in court. Footage, including all relevant rushes, can be ordered by the court to be handed over to the police. Everyone involved – including the individual filmed – has to be aware of these potential consequences at the outset. All decisions and rules of engagement must be well documented.

ITV will not broadcast material that would incite or encourage crime or lead to disorder, or condone criminal behaviour. We will not demonstrate detailed criminal techniques, such as

how to make a bomb or steal a car. There must always be a careful distinction drawn between observation and participation. Producers must never provoke or encourage criminal actions that would not otherwise have occurred. No production team member should be put at unnecessary risk of harm when dealing with criminals.

It is generally not permitted to make a payment to a criminal to talk about their crimes; advice must be taken before any such payment is agreed or made.

If a producer may potentially commit a criminal offence for the purpose of an ITV programme (for example in the course of an investigation in the public interest, such as the purchase of drugs or the obtaining of confidential information) they must have the prior agreement of the commissioner and a senior compliance lawyer. Similarly, if producers intend to visit illicit destinations for the purposes of programme research (whether online or in the real world), they should seek prior agreement from commissioner and compliance.

### *Taking compliance and legal advice*

Compliance at ITV is not a box-ticking process. It is a responsibility shared between programme makers, commissioners, and compliance and legal advisors.

Our ITV compliance advisors and lawyers are committed to help the programme makers that ITV has commissioned deliver the editorial goals of that commission, and can offer advice and support from the earliest stages of a programme's production. They take the lead in defending our programmes after broadcast if subject to viewer complaints, Ofcom investigation, or litigation.

But no one working in the legal and compliance team is a mind reader, or a lie detector. They can only help to resolve an issue if they are told about it. So if in any doubt, seek advice from the compliance advisor or lawyer working with the relevant production team.

ITV legal, compliance and editorial standards advice must never be simply ignored by programme makers, but it can always be discussed, and creative compromises can usually be reached. Independent production companies can always take their own advice if they wish, but ultimately legal and compliance decisions about ITV programmes will be taken by ITV, not by the individual producer or production company (or by their own compliance/legal advisors). Very occasionally a programme maker may feel unwilling to accept ITV compliance advice or to find a compromise. In those circumstances, ITV has a clear process of referral up, through its respective commissioning and compliance chains of command.

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