



**Guidance to producers on protecting programme participants**

**March 2021**

## 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 them; 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 design themselves, ITV as a broadcaster and commissioner of content provides guidance on what we consider to be best practice: in the selection of participants before filming, in supporting them during filming, and in continued support up to and after the broadcast of the programme.

## The Ofcom Broadcasting Code

Ofcom consulted on proposed changes to the Broadcasting Code and its related Guidance on protecting participants in programmes during 2019-2020, and these changes come into force from 5 April 2021. The main new Code provisions are set out below. Central to these is the requirement to conduct a risk assessment to identify risk of significant harm to contributors, and to provide a level of care proportionate to the level of risk. ITV expects commissioned producers to be familiar with these new provisions, and our guidance is designed to assist them in making these risk assessments.

### **Section 7 - Fairness** - there are two new "practices to be followed" -

1) Providing information to participants – the Code has always required that participants are told about the nature of the programme when they are invited to take part in it, in order that their consent to take part is informed consent; the new provision states that they should also normally *"be informed about the potential risks arising from their participation in the programme which may affect their welfare (insofar as these can be reasonably anticipated at the time) and any steps the broadcaster and/or programme maker intends to take to mitigate these"*. Many producers will already routinely give this sort of information to participants. There may be exceptions to providing such information if justified in the public interest (for example in news or investigative current affairs programmes).

2) Due care over welfare - broadcasters should take *"due care over the welfare of a contributor who might be at risk of significant harm as a result of taking part in a programme, except where the subject matter is trivial or their participation minor"*. A

risk assessment to identify “any risk of significant harm” should be conducted “....unless it is justified in the public interest not to do so” (for example in relation to news and some current affairs programming). The level of care due will be proportionate to the level of risk. Risk of significant harm might arise for reasons including (but not limited to):

- *They are considered a vulnerable person;*
- *They are not used to being in the public eye;*
- *The programme involves being filmed in an artificial or constructed environment;*
- *The programme is likely to attract a high level of press, media and social media interest;*
- *Key editorial elements include potential conflict, emotionally challenging situations, or requires them to discuss, reveal or engage with sensitive, life changing or private aspects of their lives.*

Again, such risk assessments are already standard practice for many producers.

**Section 1 – welfare of participants under 18** - there are some drafting changes to the Rules protecting younger participants, as follows:

*Rule 1.28 – Due care must be taken over the welfare and dignity of people under eighteen who take part in or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person... in loco parentis.*

*Rule 1.29 – People under eighteen must not be caused unjustified distress or anxiety by their involvement in programmes or by the broadcast of these programmes.*

**Section 2 - Harm and Offence** - Ofcom has also revised Rule 2.3, which concerns causing viewer offence, that must be justified by the context. Participants displaying distress or anxiety in a programme may cause offence to viewers, for example if it is not sufficiently clear to viewers that participants are being properly supported by the programme. The traditional list of types of material that may cause offence (such as language, sex, violence etc) now also includes: “....*treatment of people who appear to be put at risk of significant harm as a result of their participation in a programme. Appropriate information should also be broadcast where it would assist in avoiding or minimizing 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 about 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 for both in-house and independent producers 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 in supporting them whilst taking part in our programmes; and to consider appropriate aftercare, especially if 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 its 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 in higher profile programmes therefore need to be made aware that (for example) appearing on TV might lead to intrusive scrutiny of their past lives or their social media history, or that people who know them may provide stories about them (true or otherwise) to the press, or on social media.

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

Broadcasters and producers both have responsibilities as a matter of general health and safety law towards participants. 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. These processes must be proportionate to the likely risks, given the programme format and the individuals concerned, and considered at the point of commission.

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

Producers should consider both the potential impact on participants' welfare of taking part in the programme and the potential impact of the broadcast of the programme. We should consider each participant as an individual; some may have vulnerabilities

prior to the programme, some may encounter situations during the making of the programme that might make them more vulnerable.

## **Risk assessment of participant welfare**

This guidance sets out what we (and Ofcom) consider to be examples of best practice in assessing and managing welfare risks to participants. All commissioned producers should of course develop their own processes reflecting best practice and suitable to their particular production and its participants. ITV considers it helpful in medium and higher risk programmes for these processes to be in written form, for production staff to refer to during production, and where possible records should be retained of support offered and provided. Specialist expert advice may be required at different stages by producers, or to provide independent support directly to participants.

### **A. Identifying potential risks**

The following general factors should be considered during the development of each production and its participant welfare procedures:

#### **Control:**

- Are participants being filmed observationally, or directed in staged or “constructed reality” situations?
- Is the participants’ environment being created or largely controlled by production teams, with continuous filming?

#### **Format:**

- Will key editorial elements include potential confrontation and conflict, emotionally challenging situations, or disclosure of private or sensitive aspects of their lives?

#### **Profile:**

- Are high levels of press/media interest and social media interest in the show and its participants anticipated?

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

- Are participants required to be away from home during filming?
- Will participants not have contact with their usual support network (family or friends) during filming?
- How long are participants required to be separated from their normal lives?

#### **Residence:**

- Are participants required to share accommodation for a period of time?
- Do the arrangements include living in close proximity to others? Could they potentially impact on mental health, for example if they impact on participants’ usual sleeping habits?

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

- Are participants not used to being in the public eye?

- Are participants considered more likely to be vulnerable, due to disclosed vulnerabilities, or due to the format of the programme involving potential confrontation and conflict, emotionally challenging situations, or disclosure of private or sensitive aspects of their lives?
- Do elements of the programme engage with particular vulnerabilities of any participants?

## B. Assessing potential risks

Having considered the factors above, an evaluation of 'lower', 'medium' or 'higher' may be applied by the production team to 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 and unstaged).	Directed or "produced" scenarios or discussions.	Artificial environment (eg location or activity).  Producers have near total control of the environment 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 format.	Key editorial elements or devices include potential confrontation, emotionally challenging situations, increased anxiety, or disclosure of private or sensitive aspects of participants' lives.
Profile	Relatively low degree of media interest/social media interest in the programme and individuals in the programme is anticipated.	Some media interest/social media interest in the programme and individuals in the programme is anticipated.	High level of media interest/social media interest in the programme and individuals in the programme is anticipated.

<p>Location and duration</p>	<p>No need for participants to travel far from home or be filmed for long periods.</p> <p>Filming normal day to day activities of participants.</p>	<p>Participants are required to be away from home, although not in a remote location.</p> <p>Participants able to maintain contact with usual support network.</p>	<p>Participants required to be far away from home, in a potentially “alien” environment.</p> <p>No contact with their usual support network during filming.</p>
<p>Residence</p>	<p>Time away from home is short and not significant (eg a few hours in a studio, or overnight in a hotel).</p>	<p>Filming for a short period away from home.</p> <p>Accommodation is shared, but by a small number of people, or people who already know each other.</p>	<p>24/7 shared accommodation for a sustained period of time.</p> <p>Accommodation could have a potential impact on participants’ sleep.</p>
<p>Participants</p>	<p>Participants are celebrities.</p> <p>Participants already have a public image or a large following on social media.</p> <p>Participants have access to personal management, advice and representation before, during and after the production.</p>	<p>Participants are not used to being widely known in the public eye.</p> <p>Participants may have or used to have some public profile, and are seeking to increase or revive that profile.</p> <p>Participants have disclosed, or are suspected to be, pre-disposed to poor mental health, although currently displaying good mental health.</p>	<p>Participants are not used to being in the public eye.</p> <p>Participants have disclosed recent or current mental health issues.</p> <p>Participants are considered to be vulnerable due to personal circumstances or experiences.</p> <p>Specific elements of a production engage with particular vulnerabilities of participants.</p>

## **C. Managing the risks**

Having identified risks, producers should then consider what measures can reduce those risks (so far as they are reasonably able). Where productions have medium or higher risk elements, producers should discuss participant protection processes with the ITV compliance lawyer or advisor allocated to their programme and their ITV commissioner. 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 with 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 the proposed measures are not agreed to be sufficient to mitigate any medium or higher risks, ITV and the producers may need to consider and agree changes to the content, programme set up, casting or format etc.

The Appendix below provides guidance on the steps that ITV suggests producers should consider, depending on whether the 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 format. In the event a returning/re-commissioned programme contains potentially medium or higher risk elements, this review could be annual, or undertaken prior to pre-production/casting.

## **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 team ([compliance@itv.com](mailto:compliance@itv.com)) and the Risk/DOC team ([care@itv.com](mailto:care@itv.com)) can provide advice and support to all ITV commissioned productions. For example, they can advise producers on the experience, expertise and qualifications that are desirable for independent expert psychological advisors supporting a production.



## **Appendix**

### **Lower risk programmes**

Producers should consider the following:

#### *Pre-production and casting*

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

#### *During Filming*

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

#### *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 for an appropriate period after broadcast;
- provide advice on handling potential hostile social media comment post-broadcast, if relevant.

### **Medium risk programmes**

Producers should consider the following:

#### *Pre-production and casting*

- obtain informed consent from participants;
- provide information about the nature and purpose of the programme and their contribution, and potential risks 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 any 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 identified, 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 having trained mental health first aiders in the production team, to identify significant changes in behaviour;
- have a single point of contact for participants, and 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 monitored.

### 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 for an appropriate period after broadcast;
- provide advice on potential hostile social media comment post-broadcast, and adjusting to life outside production;
- contact participants immediately before transmission to ask about their post-filming experiences, and after broadcast to check on their wellbeing; this could be achieved by a formal "debrief" with the production team, and/or the expert psychological advisor.

## **Higher risk programmes**

In addition to the medium risk steps above, producers should also consider:

### Pre-production and casting

- discuss with potential participants the potential risks of taking part, including potential downsides of participation – 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 history etc; record the outcome of these discussions and steps intended to mitigate these risks;
- encourage participants to discuss with their families/ friends/ personal support network before making any final decision to participate;
- give participants appropriate time to consider before committing to take part;
- assessment of suitability of all participants by relevant appropriately qualified experts;
- have a single production point of contact for participants from casting to aftercare.

### During filming

- have expert psychological advice accessible 24/7;

- have dedicated individuals (eg a Welfare Producer or team) overseeing the physical and psychological health of participants (including monitoring their sleeping, eating etc);
- consider the programme narrative and whether it is likely to generate negative media or social media comment, and whether any steps can be taken to minimise impact on participants;
- If significant concerns are raised, consider whether the participant should leave the production.

This could be achieved by:

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

### Aftercare

- 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;
  - details of how the participant has been portrayed; and 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 (for example setting privacy controls);
  - financial awareness training.

Ongoing support - this can be tailored to the individual for an appropriate period after broadcast, but a minimum level of support for all participants should be agreed with the expert psychological advisor. This might include access to psychological support, or signposting to public services.

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