

## Update on Participation in Programmes review

### Introduction

We are conducting a review of whether new Broadcasting Code rule(s), and accompanying guidance, are needed to ensure adequate protections are in place for the welfare of adults participating in television and radio programmes.

People participate in a huge range of non-fictional programming formats including reality, factual, documentaries, news and current affairs and talent competitions. All these genres are popular forms of television and radio programming enjoyed by significant numbers of viewers and listeners. Consistent with the right to freedom of expression, broadcasters should have the creative freedom to make such programmes. We also recognise that many people value and enjoy the experience of appearing in programming.

Taking part in these kinds of programmes can involve all manner of potentially sensitive personal issues – for example, revealing traumatic experiences, resolving personal disputes, rebuilding relationships, or gaining public attention. Depending on the circumstances, programmes featuring conflict and crisis and exposing personal experience may create vulnerability for participants and have the potential to cause them distress and anxiety. Seeing or hearing the effects of any such impact on their welfare in programmes may also cause offence to audiences.

### The focus of the review

We recognise that people differ in their level of vulnerability and resilience. We also recognise that the nature and extent of their participation will differ depending on the type of programme in which they are involved.

We plan to consult on potential new Code rule(s) to apply to all broadcasters regulated by Ofcom, focusing on the level of protection broadcasters will be expected to deliver, based upon: a consideration of the needs of the individual adult participant; the type of programme they are participating in; and the nature of that participation.

This proposed approach would mean that the potential new rule(s) in this area could apply to all non-fictional programmes, but still allow Ofcom to take account of the fact that different participants, types of programme and types of participation would be likely to require very different steps to be taken by a broadcaster. For example, the steps a broadcaster could reasonably and practicably take to protect the welfare of adult participants in a reality format (which may involve taking steps before, during and after broadcast) would clearly vary significantly from those in a news programme or a live radio phone-in.

Our initial view is that any new Code rule(s) would be likely to be included within Section Two of the Code (harm and offence). All rules in Section Two are designed to ensure that generally accepted standards are applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material. Any new rule(s) would require broadcasters to cross refer to other relevant existing rules such as Fairness (Section Seven of the Code) and Protection of Children (Section One of the Code).

## How we are conducting the review

We will publish a full public consultation document which will:

- explain Ofcom's reasons for proposing the new rule(s);
- seek views on the proposed new Code rule(s) from stakeholders; and
- call for inputs from interested stakeholders on how the proposed rule(s) might work in practice and what Ofcom should consider including in any accompanying Guidance.

We are also consulting directly with broadcasters and other interested parties, such as programme makers, mental health professionals, psychologists and former programme participants.

If you have taken part in a programme and would like to discuss your experience with Ofcom, or if you have a particular interest in this area which you would like us to raise with us, please contact us at [programmeparticipationreview@ofcom.org.uk](mailto:programmeparticipationreview@ofcom.org.uk)

## What are the next steps?

We plan to issue an eight-week consultation by the end of July 2019.