

Your response

Question	Your response
<p>Question 1: Do you agree with our rationale for proposed new Rules 2.17 and 2.18? Please give reasons for your answer.</p>	<p>Confidential? – Y</p>
<p>Question 2: Do you agree with the proposed meaning of ‘participant’ for the purpose of these rules? Please give reasons for your answer.</p>	<p>Confidential? – Y</p>
<p>Question 3: Do you agree with the proposed scope of these rules? Please give reasons.</p>	<p>Confidential? – Y</p>
<p>Question 4: Do you agree with the proposed wording for the new Rules 2.17 and 2.18? Please give reasons for your answer.</p>	<p>Confidential? –N</p> <p>We have reservations around what would actually amount to “unjustified distress or anxiety” under Rule 2.18, and especially the use of the word Unjustified.</p> <p>The new guidelines state that whether distress or anxiety is justified will be “dependent on the context” which doesn’t clarify the issue. As we know, Ofcom does not provide pre-TX assistance on the Code so the main concern is that it will require a number of Ofcom rulings before anyone actually knows what Ofcom considers justified and what they don’t. No production company and broadcaster will want to be a test case, so we would expect Ofcom to publish more guidance on their interpretation of the new rule if it comes into force.</p>
<p>Question 5: Do you agree that Rule 1.28 should be amended in this way? Please give reasons for your answer.</p>	<p>Confidential? – Y</p>
<p>Question 6: Do you agree that Rule 1.29 should be amended in this way? Please give reasons for your answer.</p>	<p>Confidential? –N</p> <p>Need a clearer definition of word Unjustified – this can be seen as a subjective area – see above.</p>

Question 7: Do you agree with the proposed approach to the Code guidance? Please give reasons.

Confidential? – Y

Question 8: Can you provide examples of best practice in the due care of programme participants which you think should be included in the guidance? Please share details if possible.

Confidential? – N

In general production companies already consider the demands placed on contributors and provide support for this during production. The problem with the new rules is they will capture all adults participating in all programmes (except for drama, sitcoms and soaps programmes). Not all programmes have the same demands as Jeremy Kyle and Love Island – yet providing for psych tests, ongoing support and production staff to manage duty of care will require increased resources for production companies regardless of the nature of the programme that will need to be reflected in programme budgets.

The Broadcaster should also be involved within the aftercare programme and supply a named aftercare contact for all contributors within the organisation. The initial relationship between contributor and production company could evolve longer term, and the Broadcaster should take on some of this responsibility, especially given that the production company will have employed their team on a predominantly freelance and therefore temporary basis.