



## Protecting Participants in TV and Radio Programmes

# Response from The Film + TV Charity

### ABOUT THE FILM + TV CHARITY

The Film + TV Charity provides expert support and guidance to anyone working in the television, film and cinema sectors, for free, 365 days a year.

Established in 1924 as the Cinema & Television Benevolent Fund, we have been providing financial and emotional support for people working in the industry for nearly 100 years.

In 2018 we updated our name and revitalised our mission: to support the wellbeing of all those working in film and TV. We will radically expand our reach and impact and are aiming to support 10,000 people by 2024. We are dependent on voluntary donations.

A year ago we launched The Film + TV Support Line: a free, confidential service to provide 24/7 advice on issues big or small; offering a listening ear when needed, or guidance on matters including depression, debt, and harassment. The Support Line has already taken nearly 3,000 calls; and in the 2018/19 year the charity distributed more than £1m in financial aid to individuals.

In the first year of the Support Line's operation we have heard countless stories of stress and difficulty. So this year we are going deeper to understand the true nature and prevalence of mental ill-health in our sector, conducting original research and convening an Industry Taskforce on Mental Health to develop an action plan with real impact.

### OUR RESPONSE

1. Ofcom's proposed new rules relating to programme participants draw on section 3 of the Communications Act 2003 which requires Ofcom to have regard to the vulnerability of children and "others whose circumstances appear to Ofcom to put them in need of special protection". In this instance Ofcom has chosen to define those 'in need of special protection' as 'programme participants'. We presume that Ofcom's definition of 'participants' as "adults who have agreed to take part in a programme in any way, except presenters and reporters" is taken to mean those involved in front of the camera, but there are many other participants in programme-making involved behind the camera. We believe that the wider workforce – two-thirds of whom are freelance – may also be in circumstances that present vulnerabilities and could qualify them for being 'in need of special protection'.
2. Our ongoing research into the mental health and wellbeing of those working in TV and film – *The Looking Glass project* – is beginning to show the extent to which certain industry 'norms' of culture, structure and process are contributing to mental harm. The fact that nearly 9,000 people responded to our survey itself shows the strength and scale of feeling on this issue. We are pleased and heartened to have widespread and high-level industry engagement on this work, demonstrating the seriousness with which the industry takes these issues. We are convening a new **Industry Taskforce on Mental Health**, and those who have committed to join include the BBC, BBC Studios, ITV, Channel 4, Endemol Shine, Netflix, Apple TV and RDF amongst many others.

3. We appreciate that Ofcom must draw some boundaries for its regulatory scope, and do not suggest that Ofcom, at this stage, should seek to regulate for the due care given to the wider TV workforce, which is essentially the responsibility of employers (although Ofcom does take an interest in the diversity of the industry's workforce). However we do feel that Ofcom should take good note of the conclusion reached in the Dart Centre's recent research *Occupational Distress in Factual TV* that "issues related to contributor care are also intimately tied to other sources of occupational distress – such as bullying and other workplace abuses – woven deep into the culture of factual television"<sup>1</sup>. **The implication is clear: that the ways in which some programme participants are treated is related to and a function of the wider ways of working of the industry.**
4. These ways of working bear close scrutiny and are the subject of the new work we are undertaking in conjunction with the industry. We will work with industry to understand the findings of the *The Looking Glass* and co-create a programme of measures designed to address the most pressing issues in the culture and practice of TV and film. We expect the Taskforce to meet and make these commitments before the end of the year, and will be pleased to keep Ofcom informed of the outcomes of our work.

## RESPONSE TO CONSULTATION QUESTIONS

**Question 1:** *Do you agree with our rationale for proposed new Rules 2.17 and 2.18? Please give reasons for your answer.*

We have no specific comments on this question.

**Question 2:** *Do you agree with the proposed meaning of 'participant' for the purpose of these rules? Please give reasons for your answer.*

We believe that Ofcom means 'participants' to refer to those appearing on-screen, but have noted the wider array of people involved in programme-making who are part of the process that gives rise to the risks Ofcom has identified. We suggest Ofcom clarify its intended targets of these new rules, and consider the extent to which they apply to those working off-screen.

**Question 3:** *Do you agree with the proposed scope of these rules? Please give reasons for your answer.*

We have no specific comments on this question.

**Question 4:** *Do you agree with the proposed wording for the new Rules 2.17 and 2.18? Please give reasons for your answer.*

We have no specific comments on this question.

**Question 5:** *Do you agree that Rule 1.28 should be amended in this way? Please give reasons for your answer.*

We have no specific comments on this question.

**Question 6:** *Do you agree that Rule 1.29 should be amended in this way? Please give reasons for your answer.*

We have no specific comments on this question.

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

We have no specific comments on this question.

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<sup>1</sup> Source: *Occupational Distress in UK Factual Television: A Report by Dart Centre Europe, supported by Wellcome, 2019*

**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.*

Our ongoing work may give rise to other suggestions which could assist in delivering due care to programme participants. One example would be training on maintaining appropriate boundaries between production staff and on-screen participants to ensure professionalism and protection for both parties.