

## Your response

Question	Your response
<p><b>Question 1: Do you agree with our rationale for proposed new Rules 2.17 and 2.18? Please give reasons for your answer.</b></p>	<p>No. Wireless supports Ofcom’s intention in drafting these new Rules but we question whether the introduction of new Rules is a proportionate response to recent audience and media concerns.</p> <p>We understand and are supportive of the rationale behind the proposed new Rules but in our view the existing Rules 2.3 and 2.4 should be engaged, should concerns about the treatment of a programme participant arise.</p> <p>At present the Rules covering Fairness and Privacy provide a direct (although limited) route for programme participants to complain to Ofcom and to make their case in detail. Ofcom considers other complaints in respect of programme participants differently, seeking comments from the broadcaster alone and (in the main) engaging the Rules governing Harm &amp; Offence.</p> <p>Were Ofcom to invite comments also from the programme participants themselves in these cases, those who feel they, or another, to have been badly treated could have their concerns fully investigated under the existing Rules.</p> <p>This change in process would dissuade broadcasters from considering a signed release form to be in itself sufficient to demonstrate ‘informed consent’ on the part of a programme participant. This small operational change should encourage broadcasters to ensure those who are genuinely upset by their participation in a programme have their concerns addressed at the earliest opportunity.</p>
<p><b>Question 2: Do you agree with the proposed meaning of ‘participant’ for the purpose of these rules? Please give reasons for your answer.</b></p>	<p>Yes, but the wide scope must be recognised if unintended consequences are to be avoided.</p> <p>For example, those who feature in series about police work may raise concerns about their treatment even before broadcast. Police forces give consent for their officers to appear on camera, but consent is not sought from those arrested or detained.</p>
<p><b>Question 3: Do you agree with the proposed scope of these rules? Please give reasons.</b></p>	<p>Clarity is needed if these Rules are to be introduced.</p> <p>For example, viewers and listeners are frequently moved to complain on behalf of programme participants yet the person featured may have no complaints as to their treatment. If audience complaints are received, will Ofcom require the participant to make a complaint themselves, or to confirm an investigation is warranted before proceeding?</p>

	<p>Many shows already provide advice and support to programme participants, for example social media training and advice. This is not always followed as expected, and in some cases may be disregarded entirely.</p> <p>A producer or broadcaster can ensure advice and support is provided, but it is not possible to control the private actions of individuals. Nor would we wish to.</p> <p>Can it be reasonable for a producer to be deemed responsible for harm or distress exacerbated by a participant's disregard for advice and solutions offered?</p>
<p><b>Question 4: Do you agree with the proposed wording for the new Rules 2.17 and 2.18? Please give reasons for your answer.</b></p>	
<p><b>Question 5: Do you agree that Rule 1.28 should be amended in this way? Please give reasons for your answer.</b></p>	<p>Yes. This is a perfectly sensible amendment.</p>
<p><b>Question 6: Do you agree that Rule 1.29 should be amended in this way? Please give reasons for your answer.</b></p>	<p>We have concerns about the implication that causing distress to a child can ever be 'justified'. Is this the most appropriate word to use?</p> <p>The proposed amendment of this Rule highlights a need for guidance on how participants who are Over 15 but Under 18 should be treated, depending on their particular circumstances.</p>
<p><b>Question 7: Do you agree with the proposed approach to the Code guidance? Please give reasons.</b></p>	<p>We would like to see examples of best practice given within the Code as well as within the Guidance, given the Code is legally binding.</p>
<p><b>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.</b></p>	<p>Wireless is a pioneer in speech broadcast in the UK, with some of the most experienced Production staff in UK Radio. We have agreed protocols covering, amongst other matters, how to deal with distressed callers; the on-air participation of our listeners, actions to be taken if something goes wrong, a clear reporting up process and our social media policy.</p> <p>We strive to ensure best practice when dealing with those who may be vulnerable and make use of resources such as the Time to Change media guidelines to ensure our approach is up-to-date and</p>

appropriate.

It is never our intention to harm, to upset or to offend those who take part in our programmes. We take a pro-active approach to protecting our programme participants. We ensure all programme participants (invited or self-selecting) are given details of how to raise any concerns they may have before they take part in a programme. This information is included as part of our usual pre-transmission participant briefing.

Any complaints are properly investigated by Compliance and referred up if necessary.