

CHANNEL 4 VIEWER TRUST GUIDELINES

RULES AND PROCEDURES FOR BEST PRACTICE & COMPLIANCE

The Executive Producer (or Series/Programme Producer where there is no Executive Producer) for each Channel 4 programme is responsible for ensuring that this document is circulated to every member of the production team and that every team member follows the procedures and guidance it contains.

We hope these guidelines are helpful but they are only a general guide which cannot foresee every scenario - different cases will depend on their individual facts. If you are in any doubt, or if you have any concerns, please seek advice from your Channel 4 Commissioning Editor or Programme Lawyer.

1. Introduction

Channel 4 has faith in the honesty and integrity of our programme-makers and, in the overwhelming majority of cases, that faith is justified.

Channel 4 has a bond of trust with its audience and a duty to ensure that viewers are not deceived or misled by our programmes. This bond must not be broken and, if it is, the most serious consequences will follow. Channel 4 will not hesitate to take appropriate action against production companies and programme-makers who deceive our viewers and/or the Channel and this may include refusing to work with them.

Programme-makers must never stage, construct, reconstruct, re-enact or otherwise fake any scenes of actuality and pass them off to viewers or to Channel 4 as the real thing.

2. The Responsibilities of Broadcasters and Programme-Makers

The mistake should not be made of believing that the importance of viewer trust is limited to current affairs, documentaries or conventional factual programmes. Simply because a programme is primarily designed to entertain or is 'formatted' does not mean that there is a licence to mislead the audience. Our viewers are entitled to respect and that means they must feel confident that they can take what they see or are told in a programme at face value. The nature of the commissioning department is not the issue, for example these guidelines apply equally to an entertainment show with factual elements, even if it has been commissioned by the Entertainment Department.

The use of a dramatic reconstruction, sometimes involving real people rather than actors, is a perfectly acceptable technique, provided viewers are not misled and clearly understand or are informed, for instance, by labelling on screen or in voice over, the true nature of what they are seeing. However, reconstructions must not distort the known facts. Contributors to our programmes are real people and should not be used like actors. Viewers deserve to be informed and entertained, not deceived.

At the heart of the commissioning system, which is central to Channel 4's broadcasting remit, is the relationship between the commissioning team and independent producers. To be effective, and to achieve the highest quality programmes, the relationship must operate with honesty, openness and trust. It is important that the commissioning process does not act as a disincentive to programme-makers at any level, inhibiting them from telling Channel 4 if a project is not working.

In addition, it is important that everyone involved in the programme, whether at the production company or the Channel, avoids, even inadvertently, making anyone involved in the production feel they are under pressure to deliver 'results' or to 'hype' the story at the expense of the truth. If anyone on the production team has any concerns about a viewer trust issue they should refer this up immediately to a senior person at the production company and if the concerns are justified Channel4 must be promptly informed.

Channel 4 will have far more respect for and trust in any member of a programme team who is prepared openly to identify problems in the production or development stages of a programme than an individual who chooses to conceal such problems. More often than not, problems or issues brought to the Channel's attention can be resolved and the commission can proceed, albeit in a different direction to that originally envisaged. On many occasions, it may be simply a case of labelling material and explaining to the viewer that there is an element of legitimate artifice. This could include a pre-broadcast announcement, a line of commentary or an on-screen caption.

On rare occasions, halting a project which is not working out (perhaps because the story does not stand up) is the right course of action; **inventing the story is never an option and "the show must go on" is not an excuse.**

3. Viewer Trust

Since the early days of factual film-making the making of programmes has always been more sophisticated than the simple recording of action in real time. It is a creative, rather than literal, medium, often reflecting the style of the film-maker in a similar way to a writer. The structuring and compression of experience is inherent in the making of a programme. However, though the editing process will inevitably condense events which have occurred over a period of time, this must not be at the expense of distorting reality and misleading viewers. **The truth must not be sacrificed for the sake of a more entertaining programme if this means cheating the viewer. It is never acceptable to represent something as having happened that did not.** It is the responsibility of broadcasters and producers not to confuse the aesthetic and structural issues of a programme from the issues of truth and falsehood. In order not to mislead viewers programmes should be clear in their intent.

Viewer trust and the truthfulness of television programmes have become the subject of significant media and regulatory scrutiny and raise issues of the utmost importance. **Viewers must not be misled about the nature of material they are watching. If it is claimed or suggested that footage is actuality, then that is what it should be; if it is not, then that must be made clear to viewers. Ofcom will not hesitate to impose the most serious sanctions,**

including substantial fines, for failure to ensure that programmes are accurate and truthful or where viewer trust is breached.

4. Compliance and the Guidelines

Compliance for a programme must be a shared and collaborative process between the broadcaster and the production company. Although Channel 4 is ultimately accountable to Ofcom for compliance with the Ofcom Broadcasting Code (“the Ofcom Code”), we expect all our programme-makers (from the most junior to the most senior) to have read and to comply with its provisions and with all our rules and guidelines on best practice, including these guidelines. Channel 4 has been working in partnership with Five to produce a comprehensive guide to the legal and regulatory rules governing the making and broadcast of programmes, the Independent Producers’ Handbook (“the Handbook”). Once the Handbook is published in autumn 2007 all our programme-makers will be expected to have read and to follow its provisions when making programmes for us. Until then producers should refer where necessary to the Channel 4 Compliance Manual (which, although it is being updated, contains helpful rules and guidance on best practice) to supplement the Ofcom Code and Ofcom’s accompanying guidance.

The Ofcom Code can be found at:

<http://www.ofcom.org.uk/tv/ifi/codes/bcode/ofcom-broadcasting-code.pdf>

Ofcom’s Guidance on the Code (updated from time to time) can be found at:

<http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/>

The Compliance Manual can be found on the 4Producers website at:

<http://www.channel4.com/corporate/4producers/resources/documents/ComplianceManual.pdf>

In addition, for many programme series, areas of programme making and programme genres Channel 4 has bespoke guidelines and protocols. All of these documents are available from the Legal & Compliance Department at Channel 4 and many are available on the 4producers website. These include best practice rules for Secret Filming, making Current Affairs Programmes, Fairness to Contributors and Filming in Hostile Environments.

Like all best practice documents these Viewer Trust Guidelines identify important areas but do not replace the Ofcom Code and guidance or the Handbook/Compliance Manual. These guidelines must be read and followed by everyone working on a programme for Channel 4 and before a programme goes into production.

Additional guidelines (updating the Factual Programmes Rules) will be circulated in due course setting out the key ground rules relevant to factual programme-making and summarising existing procedures and practice for Channel 4’s factual programmes.

The remainder of this document sets out further practical steps and guidance concerning Viewer Trust.

5. Practical Steps to Ensure Truth and Accuracy in Programmes

i. The Production Team

It is the responsibility of the Executive Producer (or most senior production executive) on every programme to ensure that:

- The entire production team is adequately staffed and resourced to deal with the demands of the programme concerned – including training, experience and supervision. Any trainees or interns must be closely monitored, especially if they are dealing direct with any members of the public, including contributors.
- The production team is aware of the importance of compliance with these guidelines, the Ofcom Code and the Handbook/Compliance Manual.
- The production team is adequately supervised at a senior level in the production company.
- The production company has in place effective procedures to ensure that any concerns about viewer trust, programme veracity or any other important issue is escalated swiftly within the team to the Executive Producer and then to Channel 4 as expeditiously as possible and that these are communicated to and understood by the team.
- When a decision is made on a viewer trust issue it is clearly communicated to and understood by the production team.

The Commissioning Editor should obtain the Executive Producer's assurance that the above provisions are complied with.

ii. What is Acceptable Practice?

Many established programme-making techniques are unproblematic and viewers would not find them surprising or troubling. For example, the use of a cutaway shot, 'nobby' or a 'set up' shot to establish an interviewee. Often, a contributor might legitimately be asked to repeat an *insignificant* action, e.g. to walk into a room again, shake hands with the presenter or to do for the camera what they do normally or a brief 'pick up' shot of their interview to assist editing. Contributors should not be asked to repeat or re-enact *significant* actions or events, e.g. to re-enact a row with their partner because the director didn't like the camera angle when it originally happened or because it wasn't being filmed, unless this is clearly sign-posted to the viewer, e.g. by calling it a 'reconstruction'.

People may behave differently when they know they are being filmed, although many will relax when they get used to the cameras. You must not, however, deliberately provoke or encourage behaviour which would not have occurred naturally, without making it clear to the audience that you have done so.

The broad distinction is this: it is not acceptable to incite someone to take or recreate an action which will have a bearing on the outcome of the programme's narrative and to present this action as something of significance observed as it happened on camera (even if it is something which actually happened in the past). This is an unacceptable intervention which is entirely different to the legitimate creation of a filmed sequence representing insignificant everyday activity which has no bearing on the outcome of the programme's narrative.

Stylised Documentaries

Inevitably, there are areas of ambiguity including occasions where the style and idiom of the film is intentionally heightened. This is often the case in deliberately light-hearted films. An obviously stylised documentary might be visually inventive, for example, filming shots of the same thing from several camera angles and intercutting them. But there is a world of difference between an imaginative film where the audience understands the nature of what it is they are seeing and methods which mislead the audience, and claim evidential validation of a sequence which would not have happened without the intervention of the programme-maker.

The artifice of such imaginative documentaries are unproblematic, so long as it is clear that they do not seek to misrepresent contrivance as observed actuality. It is legitimate to innovate and take creative risks. There is, however, a duty to be clear about the terms on which we engage a programme's participants and its viewers and to ensure that that viewers are clear about what they are watching and that they are not misled.

Chronology and the Compression of Time

The compression of time is a common programme-making technique and will generally be unproblematic. However, where the programme narrative places emphasis on the importance of a strict timescale, care needs to be taken not to mislead the audience. For example, where a contributor is shown achieving a goal within record time, when in fact it took him several attempts over a prolonged period, this should be made clear to the viewer. In addition, it may not always be necessary to reflect the actual chronology of events strictly where this is not material to the narrative but if events appear out of sequence, e.g. to tell the story more clearly, this must not mislead viewers. Inevitably there will be occasions when a fine judgement will need to be taken as to where the line is drawn but the cardinal rule is that when in doubt ask the question and refer up to senior staff and Channel 4.

Viewer Information

Viewers are now more media literate than ever and they will understand many conventions of television, but they must be equipped, by appropriate sign-posting, to properly understand and make an informed judgement about what they are watching. Sometimes it may involve simply being upfront about the techniques used. The proposition of a

programme and its genre will dictate what is acceptable and what the audience needs to be told. In an undercover investigation it should, for example, be clear when any footage is *not* shot covertly. On the other hand, a history programme will use archive and stylised reconstructions of events, at least some of which will self-evidently not be contemporaneous or real. Viewers generally expect that in entertainment programming some degree of artifice is legitimate for comic effect. However, this does not mean that 'anything goes' and audience expectations will vary from programme to programme.

Reference-up

Tell your Commissioning Editor anything he/she should know about the provenance or authenticity of any footage, including techniques used to get it, so that a judgement can be made about whether to include it and, if so, whether any sign-posting is necessary for the viewer. Take advice as appropriate from the Legal & Compliance Department. We have an equal responsibility for footage obtained from a third party as footage we shot ourselves. Your programme must be truthful, accurate and fair. Use your common sense and good judgement. If you have distorted reality and the viewer has been misled, you have crossed the line of acceptability.

iii. Fact-checking and Accuracy

A corner stone of maintaining viewer trust is ensuring that programmes are factually accurate. You must have checked all facts and allegations in your programmes and be able to substantiate their accuracy, as appropriate. This includes claims by interviewees which may sometimes need to be corroborated.

If an interviewee makes a damaging allegation about a third party, ask yourself "why?" Could they have an improper motive or a hidden agenda? Would they make a good and willing witness if the allegation is challenged? Can you substantiate what they are saying by any other evidential means – such as documentary evidence?

iv. Editing Interviews

As well as not misleading the viewer, it is vital that interviews and other contributions, including observational filming, are edited fairly and that you do not distort or misrepresent the person's known views, position or experience. Many programmes, especially in 'life style' and 'formatted documentary' genres, are driven by the strong, sometimes colourful, characters that feature in them and the audience enjoys sharing their journey or transformation. However, in representing characters and their journey in order to tell their experience in an interesting and entertaining way, care must be taken not to distort the truth and mislead viewers or be unfair to the contributor.

v. Hoaxes

Members of the public have been the subject of hoaxes by programme-makers since programmes like *Candid Camera* started. Hoaxing has become increasingly sophisticated as technology has developed, and so has the viewing audience. Sometimes the tables are turned. **Look out for signs that *you* may have been hoaxed by a contributor.** Their motive may only be to attain their 15 minutes of fame. Hoaxers can be very convincing. Don't take everything at face value – make appropriate checks to establish whether people are who they say they are and whether they have done what they claim to have done. If it seems too good to be true perhaps it is. Make further enquiries as to their authenticity to ensure that you, and consequently Channel 4 and the viewer, have not been fooled.

If you are in any doubt about any of your contributors or what they are saying you must share your concerns with your Commissioning Editor at the earliest possible opportunity.

vi. Filming Criminals or Criminal Behaviour

This is an area fraught with difficulty and can lead to authenticity problems. If people talk about their crimes openly or are prepared to let you film them carry out an apparently criminal act you must tell your Commissioning Editor and a Channel 4 Programme Lawyer straight away and get advice.

Someone admitting to or carrying out a criminal act could well be prosecuted after transmission and your footage could be obtained by the police under a court order. Ask yourself why they are doing it if they are incriminating themselves. Do they understand the consequences? Or are they trying to have you on? Remember criminals tend not to be truthful and they will have a vested interest for their own self-preservation to deny it if challenged later.

Some other rules:-

- No material may incite or encourage crime or lead to disorder.
- Avoid demonstrating criminal techniques like precisely how to make a bomb or steal a car.
- You must be scrupulous to avoid a charge of incitement or aiding and abetting any criminal behaviour.
- Avoid creating the impression of condoning or glamorising criminal behaviour.
- You must make a careful distinction between observation and participation and keep at 'arm's length' e.g. do not drive a criminal to a place where they have indicated they may commit a crime.
- You must never provoke or encourage behaviour which would not otherwise have occurred.

- If you reconstruct a crime (with real people or with actors) it must be accurate and fair and it must be clearly sign-posted as a reconstruction, e.g. by an on-screen 'reconstruction' caption.
- No one must be put at unnecessary risk of harm – you, your team or the people you are filming.
- It is generally unacceptable to make a payment to a criminal other than in specific circumstances permitted by the law and the Code.
- Drug abuse must not be portrayed as problem-free or glamorous.
- Early legal advice from Channel 4's Legal and Compliance Department must be obtained before filming or as soon as reasonably practicable.

6. The Role of the Legal & Compliance Department

Compliance is a shared responsibility between the broadcaster's editorial teams and the programme-makers, with appropriate and timely advice from the Legal & Compliance Department. Channel 4 has an experienced and highly skilled team of Programme Lawyers dedicated to getting our programmes on the air within the parameters of the law and the Ofcom Code and defending them after broadcast. Help them to help you by seeking advice at an early stage and throughout your project and by being candid with them and your Commissioning Editor about any issues which may mislead viewers so that they can be addressed promptly.

The Programme Lawyers advise on all Ofcom Code and media law issues relating to programme content, including, libel, contempt and privacy. If you need advice and you don't know who the Programme Lawyer is for your programme please ask your Commissioning Editor or call the Legal & Compliance Department direct. Channel 4 operates a Duty Lawyer system for programme advice out of hours. You can get advice 24/7 from the Duty Lawyer if your problem is urgent. The Duty Lawyer's contact details can be obtained from the Viewer Enquiries Department on the main Channel 4 telephone number.

If you are unclear about anything in this document please seek advice from your Commissioning Editor and/or, as appropriate, a member of the Channel's Legal & Compliance Department.

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