**DISCOVERY CORPORATE SERVICES LIMITED (“Discovery”)**

**DUTY OF CARE - PRODUCER QUESTIONNAIRE**

***This duty of care questionnaire is intended to help inform the preparation of Producer’s production protocols which shall be a key production deliverable and subject to Discovery’s prior approval. This questionnaire should be completed by Producer and sent back to the applicable Discovery contacts in conjunction with the proposed production budget. Producer should carefully consider any potential budget/schedule/editorial implications when evaluating duty of care considerations. Due consideration should also be given to any applicable regulatory requirements.***

***To assist Producer’s duty of care risk evaluation, Producer is invited to refer to the Ofcom duty of care risk matrix, which is attached to this questionnaire under Schedule 1 below.***

**1. Pre-Production**

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|  | **Points to consider** | **Producer’s comments** |
| **Programme format**  | 1. Will the format for the programme necessarily involve children and/or vulnerable adults. If so, what is the nature of their vulnerability (special educational needs, poor mental or physical health, socio economic considerations, etc)?
2. Will the programme format create vulnerability through the structure imposed – such as where contributors are living together, particularly demanding circumstances (mental and/or physical challenges) or transformation formats where vulnerability could arise during the transformation process.
3. Will there be a single dedicated person as the point of contact for duty of care concerns throughout the production?
4. Is the programme likely to include filming of illegal activities?
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| **Casting** | 1. What methods are intended to be used for casting (street casting, social media, targeted casting through specific social groups, etc).
2. As part of the casting process in (i) above, how will any potential contributors’ vulnerabilities be identified?
3. What measures will you take to determine a contributor’s suitability to take part in the programme?
4. How will you manage the expectations of unsuccessful applicants?
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| **Background checks and medical assessment** | 1. In relation to whom will you conduct such background checks and why?
2. What level of background checks are you intending to conduct (self declaration, Google, social media, LexisNexis, DBS checks) bearing in mind that general searches on Google and via social media should be conducted with the use of a detailed checklist and detailed notes of all results should be kept (in accordance with applicable data protection legislation) and any red flags should be brought to Discovery’s attention at the earliest opportunity.
3. Have you considered the proportionality of such checks in the context of GDPR?
4. What steps do you propose to carry out and when to fully assess a contributor’s physical and mental capacity to participate in the programme (psychological assessments, medical checks/questionnaires, etc via phone, skype or otherwise?)
5. Are there factors that warrant checks referred to in (i) (background checks) and (iv) (psychological/medical assessments) above being carried out in relation to crew such as where crew will be working with vulnerable contributors or where crew may be at risk of mental or physical harm.
6. If known at this stage, please name the professionals you plan to engage together with their professional qualifications.
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**3. Production**

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| --- | --- | --- |
|  | **Points to consider** | **Producer’s comments** |
| **Consent**  | 1. Once contributors have been signed off by Discovery, what measures will you take to ensure that informed consent has been obtained and that the contributors fully understand the nature of their contribution, of the programme and the implications of taking part in the programme and being in the public eye (including considering the potential global nature of the programme exploitation).
2. What aspects of the programme or the contributors involved could give rise to a need to revisit consent during or after filming (eg filming with minors, filming contributors in vulnerable situations, contributors injured or intoxicated at the time of filming, etc).
3. How will you ensure that background contributors or contributors which may lack capacity (minors or otherwise) have given informed consent?
4. How will you record the consenting process?
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| **Production logistics** | 1. What practical measures are required throughout production to safeguard vulnerable individuals during production (including chaperoning, specific accommodation and/or transportation requirements).
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**4. Post Production**

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| --- | --- | --- |
|  | **Points to consider** | **Producer’s comments** |
| **Contributor post-filming care** | What measures will be taken to ensure the safeguarding of any vulnerable contributor (because of pre-existing mental health issues or mental health issues brought about as a result of, or exacerbated by, participating in the Programme once filming has completed). |  |

**5. Pre-Transmission**

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|  | **Points to consider** | **Producer’s comments** |
| **Contributors** | 1. What measures will you take to ensure that contributors are adequately prepared for transmission and promotion of the programme and the implications of potential increased attention around transmission for example on social media (eg social media training, pre-tx viewing, etc).
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| **Audience** | Are there likely to be members of the viewing audience who will be affected by the content of the programme whether personally or as a group and if so, how do you propose to manage this? |  |

**6. After Care**

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| --- | --- | --- |
|  | **Points to consider** | **Producer’s comments** |
| **Contributors** | Where participation in the programme has brought about changes to a contributor (material, physical and/or emotional) that may warrant ongoing post-transmission support, what measures will you take to direct such a contributor to a source of on-going support and advice to help guide them. |  |
| **Crew** | What measures will you take to ensure appropriate and proportionate after care for crew who may have been adversely affected by participating in the production such as where they have been exposed to challenging subject matters such as death or life changing injury or other traumatic events. |  |

**Schedule 1 – Ofcom Risk Matrix – For Reference Purposes**

This matrix is not prescriptive and is only intended to provide an example to programme makers and broadcasters of a method to determine potential harmful risks to contributors in programmes.

# Identifying potential risks

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| --- | --- |
| **Risks to identify** | **Considerations** |
| **Control** | How far do contributors retain control?* Are contributors staged in a constructed reality situation?
* Is the contributors’ environment created or largely controlled by production teams with continuous filming?
 |
| **Format** | What is the nature of the format?* Will key editorial aspects of the format be likely to include potential confrontation, conflict, or emotionally challenging situations?
 |
| **Profile** | How high profile is the programme?* Is there likely to be a high level of media and/or social media interest in the programme and the contributors?
 |
| **Location/duration** | Are contributors separated from normal life?* Are contributors required to be away from home during the production?
* Are contributors not able to have contact with their usual support network during the production?
* If so, for how long will contributors be separated from normal life?
 |
| **Residence** | Are contributors away for any time from their usual home?* Are contributors required to share accommodation for a period of time?
* Are contributors living in close proximity to others such that this may

impact on their usual sleeping habits? |
| **Type of contributor** | What type of contributors are taking part?* Are contributors not used to being in the public eye?
* Have contributors disclosed they have any inherent vulnerabilities – for example: due to their personal circumstances or experiences, or their health, whether physical or mental?
* Could the programme format make the contributors vulnerable – for example: do key editorial elements of the programme include potential confrontation, conflict, emotionally challenging situations, or does the programme require them to discuss, reveal, or engage with sensitive, life changing or private aspects of their lives?
* Do particular elements of the production engage with any particular

vulnerabilities of any contributors? |

1. **Assessing potential risks**

Once risks have been identified, broadcasters and programme makers may wish to consider categorising these risks as low, medium or high, with reference to the type of programme in question. The higher the risk factors, the greater the requirement upon broadcasters to manage the risk and ensure a comprehensive level of due care. This table illustrates the risks which may be associated with examples of different editorial situations.

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| --- | --- | --- | --- |
|  | **Low** | **Medium** | **High** |
| **Control** | Documentary portrayal of a real situation – largely observational, unstaged. | Directed or “produced” scenarios or discussions. | Artificial environment (e.g. location or activity).Producers have near total control of the environment being filmed, and activities of the contributors. |
| **Format** | Generally does not | May include some | Key editorial elements and/or |
|  | include emotionally | emotionally | devices (such as lie |
|  | challenging situations. | challenging situations | detectors), which include |
|  |  | or increased anxiety, | potential confrontation, |
|  |  | but these are not | emotionally challenging |
|  |  | central to the | situations, or increased |
|  |  | content. | anxiety. |
| **Profile** | Relatively low degree | Some press and | High level of press, media |
|  | of press and media | media and/or social | and/or social media interest |
|  | interest and/or social | media interest in the | in the programme and |
|  | media in the | contributors featured | contributors anticipated. |
|  | individuals featured in | in the programme |  |
|  | the programme | anticipated. |  |
|  | anticipated. |  |  |
| **Location/duration** | No need for contributors to travel far from home or be filmed for long periods.Filming the normal day to day activities of contributors, for example in home orcommunity. | Contributors are required to be away from home, although not in a remote location.Able to maintain contact with natural support network. | Contributors required to be remote from home, in a potentially “alien” environment.No contact with their natural support network during filming. |

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| --- | --- | --- | --- |
| **Residence** | Time away from home short and not significant (e.g. a few hours in a studio, or overnight in a hotel). | Filming for a short period away from home.Accommodation shared, but by a small number of people/ people who already know each other. | 24/7 shared accommodation for a sustained period of time.Nature of accommodation could have a potential impact on contributors’ sleep. |
| **Contributors** | Contributors are used to being in the public eye and/or already have access to personal management, advice and representation before, during and after the production. | Contributors are not used to being widely known in the public eye.Contributors may have or used to have some public profile and are seeking to increase or revive that profile.Contributors have disclosed, or are suspected to be, pre- disposed to poor mental health, although currently displaying goodmental health. | Contributors are not used to being in the public eye.Contributors have disclosed recent or current mental health issues.A contributor is considered someone with a vulnerability for example - due to their personal circumstances or experiences.Specific elements of the production engage with particular vulnerabilities of the contributor. |

# Identifying how to manage risk to contributors and ensuring due care

Once the risks have been classified steps to mitigate the risk at each stage of production may need to be considered. The greater the potential risks to the participant, the greater the number of steps which should be considered:

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| --- | --- |
| **Identified risk** | **Steps to consider *may* include:** |
| **High risk** | **Before production:*** When obtaining informed consent, consider what information should be provided about the nature and purpose of the programme and the nature of the contribution, providing the person with information about potential risks arising from taking part in the programme (insofar as they can be reasonably anticipated) and any steps intended to mitigate these.
* Is advice from relevant appropriately qualified experts being sought?
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* + Should medical history background checks be carried out?
	+ Is an assessment of vulnerabilities needed and has whether the programme engages with these been considered?
	+ Should psychological assessment of contributors be carried out by independent, appropriately qualified expert(s) before selection?
	+ Has discussion about participation with families and friends been encouraged?
	+ Can a nominated single point of contact for the contributors be provided, from casting to aftercare?
	+ Have the contributors been given an appropriate amount of time to consider their participation before committing?

# During production:

* + Should psychological advice be accessible at all times for the production team and contributors?
	+ Are dedicated production team members needed to oversee the welfare of contributors?
	+ Has monitoring for any behaviours indicating stress or mental health issues been considered; if appropriate seek assistance and advice from relevant expert and if these concerns are deemed significant, remove contributor from production.
	+ Is the programme narrative likely to generate negative media or social media coverage? If so, is it being monitored and can any steps be taken to minimise the impact on contributors?

# After production:

* + What aftercare should be provided and for how long? This could range from providing a psychological debrief after filming to devising a tailored programme of aftercare to include, for example, counselling and/or assistance in readjusting to life outside production.
	+ Is it helpful to explain to any contributors how they were portrayed in the programme?
	+ Should contributors be provided with a point of contact who will be available for an appropriate amount of time after the production?
	+ Has the best way to support contributors after production been considered; options to consider include access to psychologists or signposting to other public services.
	+ Should support and advice on managing negative social media and media interest be provided (for example, media advice and setting privacy controls)?
	+ Should contributors be informed of first transmission date and, if appropriate, will they be contacted before and afterwards to check on wellbeing?

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| **Medium risk** | **Before production:*** When obtaining informed consent, consider what information should be provided about the nature and purpose of the programme and the nature of the contribution, providing the person with information about potential risks arising from taking part in the programme (insofar as they can be reasonably anticipated) and any steps intended to mitigate these.
* Are medical history background checks needed?
* Is an assessment of vulnerabilities required?
* Is any advice from appropriately qualified experts needed?
 |
|  | **During production:*** Should contributors be monitored for signs of stress or other mental health issues? If so, what plans could be put in place to address any such concerns?
* To what extent should expert psychological or other support be available during filming?
* Is there a single point of contact for contributors throughout filming?
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|  | **After production:*** Has providing contributors with at least one point of contact who will be available, for a reasonable length of time, once the production team has dispersed been considered?
* Has appropriate advice or support been prepared to provide to contributors if they get in touch?
* Should advice on potential hostile social media be provided?
* Has contacting contributors immediately before first transmission, and afterwards, to check on their wellbeing been considered?
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| **Low risk** | **Before production:*** When obtaining informed consent, consider what information should be provided about the nature and purpose of the programme and the nature of the contribution, providing the person with information about potential risks arising from taking part in the programme (insofar as they can be

reasonably anticipated) and any steps intended to mitigate these. |
|  | **During production:*** Has checking on the contributors for any signs of stress or anxiety been considered?
 |
|  | **After production:*** Has providing the contributors with a production contact and advice on details of transmission been considered?
* Has whether any advice and support may be required for contributors been considered?
* Has whether any advice on potential negative social media is required been

considered? |