

S4C Guidelines on Contributor Welfare

April 2021

1. Introduction

- 1.1 It is essential that contributors taking part in S4C Programmes (including digital and shortform content) ("**the Contributors**") are adequately looked after by the production company ("**the Producer**"). All appropriate steps to safeguard the welfare of Contributors should be taken.
- 1.2 These are guidelines only; they do not contain an exhaustive list of the issues the Producer is expected to consider when dealing with contributor welfare. The policies and procedures which S4C expects the Producer to have in place are noted as a minimum.
- 1.3 If required by S4C on specific productions, the Producer shall create a detailed protocol dealing with contributor welfare ("**the Contributor Welfare Protocol**") setting out the measures to be undertaken by the Producer during the pre-production, production and post-production stages of the S4C Programme.
- 1.4 All of the Producer's relevant staff should be familiar with S4C's Child Protection Policy and S4C's Vulnerable People Policy and these guidelines should be considered alongside such policies.
- 1.5 The Producer and all its relevant staff should also ensure compliance with the Ofcom Broadcasting Code and programme related guidance ("**the Code**") and in particular the requirements of rules 1.28, 1.29, 1.8, 1.9, 2.3, 7 and 8.

2. Pre-Production

- 2.1 The Producer shall take all appropriate steps to ensure the emotional and physical well-being and dignity of Contributors throughout all aspects of the production process for the S4C Programme. During pre-production, the Producer shall discuss such appropriate steps with the relevant S4C Commissioner and will implement any recommendations and respond to requests for information from the S4C Commissioner without delay as required from time to time.
- 2.2 All relevant members of the Producer's production team shall be reminded of the requirements of the relevant Code rules as well as S4C's own guidelines.
- 2.3 Before any decision is taken to feature an individual in the S4C Programme, consideration should be given and documented, insofar it is relevant and appropriate considering the nature of the S4C Programme, as to: their suitability in terms of their health (as long as it's appropriate), their support networks, any history or personal circumstances which may make them vulnerable and, of course, their ability to understand fully what is involved including the positive and negative consequences of being involved in the S4C Programme.
- 2.4 If the Contributor is under the age of sixteen, a designated child protection officer with the appropriate qualification should be appointed to ensure the welfare of the Contributor throughout the production of the S4C Programme.

Informed Consent

- 2.5 The Code requires that Contributors are treated fairly and the Producer must take all relevant steps to ensure that the Contributor has given his/her written informed consent to appear in the S4C Programme. Therefore, when inviting the Contributor to make a contribution to the S4C Programme (except when the subject matter or contribution is trivial) they should normally, at an appropriate stage before production commences:
- be informed of the nature and purpose of the S4C Programme, what the S4C Programme is about and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be transmitted;
 - be informed what kind of contribution they are expected to make, for example live contribution, pre-recorded contribution, interview, discussion, edited, unedited, etc.
 - be informed about the areas of questioning, and, wherever possible, the nature of other likely contributions;
 - be made aware of any potential significant changes to the S4C Programme as it develops which might reasonably affect their original consent to participate, and which may cause material unfairness;
 - at an appropriate stage, be informed of the nature of their contractual rights and obligations and those of S4C and the Producer's in relation to their contribution;
 - be informed if any of the Contributor's personal data, and in particular special category data, shall be processed during the production of the S4C Programme; and/or
 - be informed about any negative consequences which may arise from their participation in the S4C Programme and which may affect their welfare (insofar as these can be reasonably anticipated at the time) and any steps the Producer and/or S4C intends to take to mitigate these.
- 2.6 Careful consideration must be given to whether the Contributor can give informed consent. An individual can only make a decision if they are given all relevant information and if they have the capacity to consider and weigh in the balance the relevant information as part of the decision making process. Where Contributors aged sixteen and over are not in a position to give their informed consent to take part in the S4C Programme, a person of eighteen or over with primary responsibility for their care ("**the Legal Guardian**") should normally give it on their behalf. Contributors not in a position to give informed consent should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
- 2.7 If a Contributor is under the age of sixteen, written informed consent to take part in the S4C Programme should normally be obtained from a parent or Legal Guardian. The parent or Legal Guardian should be made fully aware of the nature of the S4C Programme and Contributors under the age of sixteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
- 2.8 Where it is reasonably believed that the Contributor may be a vulnerable person, the Producer should check whether a Legal Guardian (including an attorney or deputy) has been formally appointed to make decisions on the Contributor's behalf.



Risk of Significant Harm

2.9 In addition to obtaining a Contributor's informed consent the Producer should take due care over the welfare of a Contributor who might be at risk of significant harm as a result of taking part in the S4C Programme. A Contributor may be regarded as being at risk of significant harm as a result of taking part in the S4C Programme for reasons including (but not limited to) the following:

- they are considered a vulnerable person;
- they are not used to being in the public eye;
- the S4C Programme involves being filmed in an artificial or constructed environment;
- the S4C Programme is likely to attract a high level of press, media and social media interest;
- key editorial elements of the S4C Programme include potential confrontation, conflict, emotionally challenging situations; and/or
- the S4C Programme requires them to discuss, reveal, or engage with sensitive, life changing or private aspects of their lives.

2.10 The Producer should conduct a risk assessment to identify any potential risk of significant harm (including the effect on emotional welfare and mental health) to Contributors as a result of taking part in the S4C Programme, unless it is justified in the public interest not to do so. Appropriate background checks should be completed on a Contributors' social, family, health and educational circumstances. The level of care due to the Contributors will be proportionate to the level of risk associated with their participation in the S4C Programme. Where risks to a Contributor have been identified in relation to their participation in the S4C Programme, the Producer should provide the Contributor with relevant information about those risks and any steps intended to be taken to mitigate them.

2.11 Contributors should be informed at an early stage that they will have the opportunity to view their contribution to the S4C Programme before transmission and make representations to the Producer if they have any concerns.

2.12 When dealing with complex or sensitive matters, before production commences, the Producer should seek confidential disclosure from the Contributor about previous convictions, their medical and psychological health and their involvement with external agencies (such as social services, community mental health team, or any advocacy service). Where external agencies are involved, Contributors should be encouraged and supported to notify any such agencies of their participation in the S4C Programme.

Psychological Assessments

2.13 Careful consideration should be given to the appropriateness of requiring Contributors whose mental health or welfare may be adversely affected by participation in the S4C Programme, to undergo psychological assessment prior to being accepted as a Contributor.

2.14 Depending on the nature of the S4C Programme and where the Contributor is under the age of sixteen, it may be beneficial to seek advice from an appropriately qualified professional such as a child counsellor or psychologist who does not have any vested interest in the Contributor's participation in the S4C Programme.

- 2.15 If it is decided, following consultation with the S4C Commissioner, that a Contributor is required to undergo a psychological assessment, such assessment shall be arranged by the Producer. It is only after the appointed psychologist (or another appropriately qualified expert) ("**the Psychologist**") has confirmed, in the Psychologist's professional opinion, that it is appropriate for the Contributor to participate in the S4C Programme and that the Contributor would not likely be adversely affected as a result of the participation in the S4C Programme and/or transmission of the S4C Programme, the relevant Contributor should be filmed.
- 2.16 Psychological assessment should take place in sufficient time before filming begins so that there is an opportunity for the Psychologist to provide a report and for the Contributor to reflect on the conversation before deciding to be filmed. If the Contributor refuses to undertake the psychological assessment, then the Contributor will not be able to participate in the S4C Programme.

3. During Production

- 3.1 Where relevant, the principles described during the pre-production stage shall remain of importance during the production stage.

Informed Consent

- 3.2 The Producer should be aware that obtaining the Contributor's informed consent is an ongoing process and should inform the Contributor of any significant changes to the S4C Programme as it develops which might reasonably affect their original consent to participate and which may cause material unfairness. In particular, where the filming of children and/or vulnerable adults does take place, it should be made clear to such Contributors (as appropriate given their age and/or level of understanding) and their parent or Legal Guardian that they do not have to agree to be filmed if they do not want to, and that filming could be stopped at any time.

Retention of Expert Support

- 3.3 The Producer should consider if it is appropriate to retain the services of the Psychologist appointed during the pre-production stage (or another appropriately qualified expert) throughout production to advise on any specific welfare issues, especially if involving children or vulnerable adults, that may arise during production, and to provide appropriate support to Contributors where necessary.
- 3.4 The Producer should ensure that a process is in place enabling the Contributor to go directly to the Psychologist for support without having to ask the Producer and its staff.

Privacy

- 3.5 If a Contributor has concerns about protecting their identity and if the Producer agrees to take steps to protect their identity, it should not be assumed that a Contributor will necessarily appreciate the fine distinction between not identifying them in the S4C Programme and making sure they are not identifiable. The Producer should judge the sensitivity of the particular circumstances when considering what level of protection is appropriate to protect a Contributor's identity.



Records

- 3.6 The Producer should make and retain records, contemporaneous notes and/or any other documentation that will assist in demonstrating what information and support was offered and provided to a Contributor during production.

4. Post-Production

- 4.1 Where relevant, the principles described during the pre-production and production stages shall remain of importance during the post-production stage.

Dealing with Exposure

- 4.2 If appropriate, the Producer shall give specific detailed guidance to Contributors about how to deal with the media and use of social media following transmission of the S4C Programme. Such guidance should include advice about strengthening privacy settings on the Contributor's own social media accounts and how to deal with negative interactions received on social media sites.
- 4.3 Parents and/or Legal Guardians should be advised that negative attention such as teasing and bullying are possible outcomes of appearing in any television programme, even if only for a short time, as well as negative comments in the media and on social media. Parents and/or Legal Guardians should be advised to inform their school about the Contributor's involvement in the S4C Programme together with the transmission dates, to ensure support could be provided should it be required. Parents and/or Legal Guardians should be informed that if the school has any concerns or want more information, they should contact the Producer, and the Producer's contact details to be made available.

Opportunity to View

- 4.4 If appropriate, Contributors along with their parents or Legal Guardians (as appropriate) should be invited to view their contribution to the S4C Programme prior to transmission and to make representations to the Producer if they have any concerns.
- 4.5 The Producer should ensure that clear information has been given before-hand about whether the Contributor will be able to effect any changes to the S4C Programme as part of the preview opportunity. Contributors shall be given the opportunity to comment on the factual accuracy of the S4C Programme content but not on editorial matters.
- 4.6 The Producer will arrange this in good time so that changes can be made to the finished form of the S4C Programme, if S4C deems it necessary. The Producer will notify S4C immediately if any of the Contributors are unhappy with the S4C Programme. S4C will take the relevant Contributor and the Producer's comments on the above-noted matters into account, but the Producer acknowledges that S4C has the final editorial control over the S4C Programme.

Aftercare

- 4.7 Where appropriate, the Producer shall ensure that the Psychologist (or another appropriately qualified expert) is available for a reasonable period after the transmission of the S4C Programme in order to provide appropriate support to the

Contributors. The Producer will seek the advice of the appointed expert for the period of time the counselling support should be available following transmission of the S4C Programme and will provide this advice in writing to S4C. The Producer will confirm the name and contact details of the appointed expert that the Contributor can contact and the service that can be expected from the appointed expert.

- 4.8 The Producer shall provide S4C with a document outlining the counselling support made available to the Contributors during filming, during the period of broadcast and after the broadcast of the S4C Programme within 30 days of the date of the first broadcast of the S4C Programme.

5. General

- 5.1 It should be noted that the principles contained in these guidelines are non-exhaustive and that careful consideration should be given to the context of the S4C Programme by the Producer and what additional policies and protocols need to be implemented as a result.
- 5.2 These guidelines do not constitute as legal advice. The Producer should seek its own independent legal advice if it has any problems or questions relating to the welfare of the Contributors.