



**Child Protection Policy**

**April 2015**

# ITV's Child Protection Policy

## Introduction

ITV believes children should have the opportunity to take part in television programmes, and that there are clear benefits for them and for audiences in them doing so.

ITV has a duty to safeguard all children and young people who take part or are otherwise involved in our programmes from harm or abuse, and also to protect children that watch our programmes, and interact with them.

ITV is therefore committed:

- To take all necessary steps to protect children and young people who take part or are otherwise involved in ITV programmes or other ITV content;
- To ensure that whenever they are involved in filming, due care is taken over their physical and emotional welfare and dignity, and that they are not caused unnecessary distress or anxiety either by their involvement in the programme, or by its broadcast;
- To ensure that children can take part in programmes in a safe, reassuring and welcoming environment, with appropriate supervision at all times;
- To ensure all children are treated with respect as individuals, and offered equality of opportunity;
- To have a single consistent point of contact with whom the child and their parent is able to liaise throughout the production, as far as this is practicable;
- Where children are "performing" in any programme, to ensure they are licensed and accompanied by parents/guardians or suitably registered and trained chaperones;
- To ensure viewers under 18 are not harmed or misled by programmes aimed at them, particularly when being asked to interact with the programme or take part in online interactivity;
- To hold any personal information obtained from children securely.

Consideration of children's welfare should therefore be at the heart of any production, and should be our priority at all times over any editorial considerations.

There is no single legal definition of a child, although for the purpose of this guidance "child" refers to someone under the age of 16, and "young people" refers to those under the age of 18.

## **Parental Consent**

Generally, before children take part in programmes, consent will need to be obtained from either a parent or guardian, and will usually be obtained in writing. Parents/guardians must sign all releases and contracts on behalf of under 16s. Any exceptions to this rule should be discussed with Compliance beforehand. Any decision to proceed to feature children without parental consent is normally only editorially justified on the basis of a clear and overriding public interest.

Young people aged 16 or 17 can consent on their own behalf and sign consent forms themselves, although parental agreement may be desirable (but is not compulsory). Programme makers should in addition make clear to all children, that it is acceptable for them to agree or disagree with their parent's decision to give consent, and should not be pressured to participate against their wishes. A child's reluctance to participate should be respected. Meaningful, child-friendly information about the programme should be given to all children when discussing their possible participation.

It is not necessary to obtain the consent of both parents, but where producers are aware that one parent consents and another actively does not consent to the child's participation, this should be made known to Compliance and any potential harm to the children's welfare considered.

Parental consent is an important pre-condition for participation by children, but it is only the starting point, and not a substitute for our making our own independent assessment of any potential risks to the welfare of the child, both during filming and after transmission, treating the child with respect as an individual, and not simply relying on the assessment of the parent. The ability of the child to give informed assent to taking part, and to understand the likely consequences, is just as important as obtaining the parent's written consent.

## **Duty of Care and Risk Assessment**

ITV is obliged by the Ofcom Broadcasting Code to take due care towards all programme participants under the age of 18. Producers should have particular regard to the Guidance Notes to Section 1 of the Code. An appropriate risk assessment should be made by the production in every case, whether or not a child's participation is to be licensed by a local authority, to minimise the risks to children in relation to the activities they will be carrying out. Depending on the type of production, producers may wish to create specific written guidelines for their team working with children, in addition to this general policy.

Consideration of how best to safeguard a child's welfare will vary depending on the type of programme being made, and the level of care must be appropriate to the circumstances, and to the individual child. Their age, maturity and capacity to make judgments about their participation will all be relevant to the steps taken, and other issues such as gender, cultural, ethnic and religious background, personal circumstances and previous life experiences may all impact on a child's vulnerability and/or resilience.

Children are often eager to take part in our programmes, but may lack the maturity necessary to assess any long-term impact on their lives. We must consider carefully any potential impact and possible consequences to the child of broadcast of the programme, and how much personal information to disclose about them.

In some cases aftercare is important, and it may be necessary to arrange access to appropriate professional help (eg counselling) and for a nominated production team member to keep in contact with the child's family in the period immediately following transmission.

Some genres and formats focus on conflict and crisis and may cause distress and anxiety. We should consider carefully in such circumstances whether those aged under 18 should be involved. The Ofcom Code does not require the elimination of all distress and anxiety, and there are editorial contexts in which a degree of anxiety is inevitable and justified, but it should not be caused unnecessarily.

Compliance advice should be sought in advance of filming where children and young people are interviewed in sensitive situations, or in programmes of a controversial nature, so that safeguards can be agreed and put in place. Children should not be asked for views about matters beyond their capacity or maturity to answer, and parents should be made aware of and consent to interviews and proposed areas of questioning.

Background checks may need to be made on social, family, health and educational circumstances, as part of the risk assessment regarding physical health and safety and emotional and mental wellbeing.

Care should be taken where a child is new to performance, or participating in a production the subject matter of which might exceed their emotional maturity or experience.

Staff should normally avoid initiating physical contact with children, except for reasons of health and safety or normal supervision, and should seek to work in an open environment. Everyone working with children (whether production staff or on screen presenters) should behave in an appropriate manner towards and around children and young people at all times.

### **Expert advice**

Many non-scripted programmes involve physical or emotional challenges to child participants. Producers may therefore need to take appropriate expert advice (for example from suitably qualified child psychologists, social workers teachers, doctors or counsellors) before, during and after filming. This is particularly so when dealing with anti-social, harmful or illegal activities such as crime, drug use, physical and sexual abuse, bullying, or psychological and medical problems such as eating disorders and self-harm etc. We may need to sometimes seek expert advice about the best way of approaching interviews on sensitive subjects, to minimise the risk of potential distress, and have those experts review recorded material relating to children prior to

broadcast. Even the involvement of those too young to give informed assent (ie babies and toddlers) may on occasion still require appropriate advice.

### **Anonymity**

Difficult ethical and legal issues arise when we are dealing with children involved in anti-social or criminal behaviour. Queries about whether it is possible to identify a child in these circumstances should be referred to Compliance.

We should not normally identify children when featuring such behavior unless there is a clear editorial justification and strong public interest.

The decision to feature children whose parents are engaged in anti-social or criminal activity should only be made where we are satisfied the welfare of the child will not be harmed, and if it is editorially justified. This is particularly important when children may be at risk because, for example, they are living with an alcoholic or drug-abusing parent, or being forced to take part in illegal activities.

Do not assume that simply blurring a child's (or adult's) face will be sufficient to avoid identifying that child. There is a difference between not identifying an individual and rendering them unidentifiable. Advice should be taken from Compliance before carrying out "anonymous" interviews, to ensure that where promises are made the technique employed will achieve the required result.

### **Child Licensing**

The rules relating to Child Licensing changed significantly on 6 February 2015, and any guidance predating the change is now obsolete and should be disregarded.

A licence will now ordinarily be required where a child is performing on television, or participating in a programme where the activity is manipulated or directed for the purpose of entertainment, presenting, modelling or taking part in sport for payment. A licence may not be required for observational documentaries, news reporting, consumer and current affairs, vox pops or being filmed as part of the audience.

Where a licence is required, this must be applied for at least 21 days before filming begins (and earlier if possible). The licensing authority may impose conditions on the license, which must be adhered to.

The new regulations set out maximum hours per day for which children of certain ages can be present on set, and minimum requirements for breaks depending on the age of the child. These breaks and restrictions are mandatory and cannot be modified, even with the consent of the chaperone. Chaperones may in addition request additional breaks or longer periods between performances if the child's welfare demands. Children should not be required to be on set before 7am and must leave the set by 11pm if over 5 years of age, and 10pm if younger, unless the consent of the Licensing

Authority has been sought. Specific consent must also be sought for any night work.

Producers must ensure that where licensing is necessary, children have an appropriate performance licence and appropriate supervision ie by a parent/guardian or a registered chaperone. A registered chaperone means one recognised by the appropriate licensing authority. Registered chaperones should have also had Criminal Record Checks checks carried out by their LEA. Please also refer to the Advice issued by the Department of Education on the new regulations and the NNCEE Best Practice Guidelines .

Children travelling to our production bases should be accompanied by a parent or guardian, or by a chaperone. Any conditions that the Licensing Authority has made relating to travel, accommodation (including facilities available on set) and meals must be observed, as must any requirements relating to the child's education.

ITV expects chaperones to operate in accordance with its Child Protection Policy and Guidelines for Chaperones. See ITV's Guidance on Child Licensing for further details.

Permission should always be obtained from the head teacher for filming or interviewing on school premises, whether or not a licence is required.

Where a licence is required for a child to perform, if this specifies the exact dates on which the performance will take place, separate permission from the head teacher to miss school is not required. If the licence does not specify the exact date of the performance, the head teachers of independent schools (including academies and free schools) may give their consent to filming during school hours, but head teachers of local authority maintained schools and special schools not maintained have no legal power to do so (and therefore in that case filming must take place outside school hours, or you must ask the Licensing Authority to vary the license.

### **Competitions**

Prizes aimed at children must be appropriate to the age range of both the target audience and the participants.

Generally it will not be appropriate to encourage children to compete for significant cash prizes in programme competitions. In talent competitions a successful child competitor may win a career opportunity that has a significant cash value. Care should be taken that they are not placed under undue pressure either by parents or others to succeed at all costs.

### **Online Content and Links**

We aim to ensure that children and young people taking advantage of new technologies understand the possible risks they face and how to minimise them. The online protection of children in relation to our programmes is a shared responsibility between ITV, parent/guardian and the child.

We should ensure that programme or channel websites likely to appeal to a high proportion of children and young people carry appropriate content.

Any material on the web page's home page must be suitable for a general audience and the first click from the home page should not take children to an unsuitable page. This includes due care regarding links to other site, including non-moderated chat rooms.

When we ask children for personal information online we need to consider what degree of parental consent is appropriate. Online space where strangers can routinely meet and exchange personal information will not be suitable for use by children.

### **Privacy and Consent Online**

When we publish any information about children online, we should ensure it is editorially appropriate, and should be sensitive to concerns that publication of too much information could put a child at risk. Combinations of written and visual information are a particularly sensitive area.

- Where we invite children to send us information about themselves, for example a name and email address to enter a competition, we should explain why we need it in language they can understand.
- It is particularly important that younger children should not get into the habit of easily revealing personal details about themselves or their family on the internet.
- Any information children send to us should only be used for the purpose for which it was sent.
- It should be retained securely and only as long as we need it.
- It should not be revealed to a third party. Competitions for children online should include a statement to the effect that children should always get their parent's or guardian's permission before entering their personal details (name, email address etc) onto the competition entry form.

### **Abuse**

If anyone working with children suspects that a child may be at risk either in the workplace or outside of it, the situation should be referred to an appropriate manager responsible for child protection, who will normally be either the Head Of Production, the Head Of Health And Safety, or the Director of Programme Compliance. They will then refer the matter, where relevant, to the HR and/or Legal Department. An internal investigation will be carried under the Disciplinary Policy where the alleged abuse concerns a member of staff.

Child abuse is where any child suffers harm because of physical, emotional or sexual abuse or neglect by an adult.

Physical abuse includes deliberate acts causing physical harm and failing to act to protect a child from such harm, or fabricating or inducing illnesses in a child.

Emotional abuse is the persistent emotional ill treatment of a child, which is likely to cause serious harm to their emotional and behavioural development. It may involve suggesting to a child that they are worthless, inadequate or unloved, or placing inappropriate expectations or responsibilities upon them.

Sexual abuse involves forcing or enticing a child/young person to take part in sexual activities, whether or not they are aware of what is happening. It may include physical contact or non-contact activities, including online grooming, or involving children in looking at pornographic material or sexual activity, or encouraging inappropriate sexual behaviour by children.

Neglect is the persistent failure to meet a child's basic physical and psychological needs, which is likely to result in serious impairment to their health and development. It may involve failure to provide adequate food, shelter or clothing, or failure to protect them from physical danger.

### **If you have a concern**

Staff may become concerned through observation of:

- Bruises or injuries that are unusual, for example on a part of the body that is not prone to such injuries.
- Injuries that require but have not received medical attention.
- Cigarette burns or bite marks.
- Unexplained changes in behaviour, for example becoming aggressive or withdrawn.
- Inability to trust certain adults with whom you would usually expect the child to have a close relationship.
- Signs of self harm or attempted self harm.
- Age inappropriate sexual knowledge or behaviour.
- Running away from home.
- Non-attendance at school.

It is not the responsibility of ITV to decide whether or not abuse has taken place. It is the responsibility of staff at ITV to act if there is cause for concern, in order that the appropriate agencies can investigate and take action necessary to protect a child or young person.

In the event that any member of staff suspects that a child or young person involved in one of our programmes may be experiencing, or be at risk from, some form of abuse, they should inform the relevant manager. Whilst staff may not be qualified to manage the responsibility of the child's welfare themselves, ITV recognises that there must be an appropriate response to concerns about a child's welfare. Staff should therefore make suspicions of abuse known to a designated manager for child protection.

Children or young persons may disclose to staff that they are experiencing abuse. A third party – parent, relative, or friend might also share areas of concern. Staff should be clear that they cannot keep such information confidential and must take action if they think the child or young person has been or is being harmed. Staff should make a note as soon as possible of what they have been told, using the child's own words, and report to the designated manager.

Likewise if a child makes an allegation of abuse against a member of staff it must be reported as a matter of urgency to a designated manager for child protection. The alleged perpetrator should not be made aware of the allegation at this point. The manager may decide to refer the matter to the relevant Social Services department and/or the police. Matters reported and actions taken must be recorded and shared only with those staff members (i.e. Legal and HR) who absolutely need to know.

## **Relevant Legislation, Regulation and Guidance**

Children's Act 1989 and 2004

The Children (Performance and Activities)(England) Regulations 2014 and the Children (Performances and Activities)(Scotland) Regulations 2014

The Ofcom Broadcasting Code

Ofcom Guidance Notes to Section 1 of the Code

### **Ofcom Broadcasting Code provisions relating to child participants**

*1.28 Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis.*

*1.29 People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes.*

### **Ofcom Guidance Notes**

<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section1.pdf>

<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/watershed-on-tv.pdf>

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