Experts Guide

On Screen Experts

Occasionally, programmes require or utilise the skills of experts as part of the format or style of the programme. This can be true for both commissioned programmes from the Independent sector and those made in-house.

The Ofcom Broadcasting Code requires broadcasters to avoid harm and offence being caused to audiences. One way of avoiding harm and offence can be using independent experts to advise or contribute to programmes. However, use of experts who are not appropriately qualified can lead to a breach of these requirements

Wherever an expert is used on screen as an expert it is important that these guidelines are followed.

Where an expert is merely a contributor to a programme and the contribution does not turn on the expertise, then the usual guidelines regarding contributors should be followed rather than these guidelines.

An expert will not be used as an on screen expert where their contribution does not turn on the question of their expertise. So vox-pops of brain surgeons in a programme about fashion or a panel show where special guests answer entertainment questions or a magazine programme where guests review films or a cookery programme where experts compete against each other to prepare the best kind of cake – all of these are examples where an expert could appear on a programme without the need to consider these guidelines.

Qualifications

Where an expert is going to be used as an expert in a programme (e.g. a doctor discussing medical procedures, a psychologist diagnosing sleep disorders, a sex therapist helping people with sexual or gender issues, a social worker discussing rowdy children) it is critical that it is clearly and unequivocally established that the expert is actually an expert in the particular field.

Exactly the same considerations apply when the expert is used behind-the-scenes to provide advice about the welfare of contributors or the appropriateness of programme segments or features.

In each case, the expert should provide written evidence of their qualifications to the relevant Commissioning Editor and, additionally, ought to provide three current referees who can be approached to provide independent views about:

a) The qualifications and skills of the expert generally; and

b) The suitability of the expert to provide advice/expertise about the topic which is central or germane to the programme being made.

This requirement is often referred to as “the three point test”.

The relevant Commissioning Editor should ensure that the Series Producer contacts the three referees and provides a comprehensive note of the conversation, addressing issues (a) and (b) above. If there is any doubt about the suitability of an expert, the question should be referred to Content Legal for advice.

Involvement

It is important to clearly identify exactly what contribution the expert is making to the programme.

There are various options for providing expertise in both an on-screen and off-screen capacity:

a) The expert might be called upon to present or debate a topic;

b) The expert might be asked to solve an issue with a contributor or suggest a course of action for the contributor;

c) The expert might shape the way a particular segment or challenge or sequence in a programme proceeds in order to maximise effect or impact on contributors, audience or both; and/or

d) The expert might be asked before production to assess a contributor's vulnerabilities and consider whether they can cope with the demands of the filming or broadcast and are not likely to become vulnerable as a consequence of their participation.

In every case, the expert must be the subject of a three point test.

In order to ensure the assessment and safeguarding of contributors is undertaken to meet best practice, there should be independence between any on-screen experts engaged in the editorial of the production and any off-screen experts providing assessment and guidance on a contributor's vulnerabilities. If there are exceptional reasons for not following this best practice, the Commissioning Editor, Content Legal and Director of Welfare must be informed and be satisfied that independence can be fully maintained.

Where an expert has been cleared by a three point test in relation to one programme, that does not mean that the expert can be automatically used in a subsequent programme.

Each programme must be considered on its own merits. As long as the clearance was obtained in relation to the expert's participation in exactly the same role in another programme, it may not be necessary to conduct a further three point test.

However, the passage of time may have affected the expert's ability to provide independent advice in an expert field. So, it is important that Commissioning Editors focus on the particular programme and its needs.

Always the prime consideration should be: Is Channel 5 comfortable that this expert can provide this advice in relation to this programme? If the answer to that question is not clearly "Yes", a three point test should be conducted. If in doubt, please refer to Content Legal.

Contribution to content

The most critical thing to bear in mind when utilising an expert in the making of a programme is that there must be total editorial separation between the programme maker and the expert.

The expert cannot become a de facto member of the production team. The expert has but one purpose: to give expert advice on an independent basis.

The programme maker and Channel 5, as always, retain editorial control and must make all editorial decisions. These decisions may take into account the view of the expert but the expert cannot be substituted as the programme maker.

Where an expert is on screen talent, this is even more important. It is for the programme maker and the broadcaster to decide what parts of what the expert contributes will feature in the final programme; the expert is never entitled to any kind of veto or even say about how the final programme takes shape.

Where an expert is used offscreen, the distinction is still important. It is not for an expert to decide whether or not a particular piece of footage or a contributor can or cannot be used in a programme and nor is it for an expert to decide whether or not taking a particular step or failing to take such a step will or will not constitute a breach of the Ofcom Broadcasting Code.

The expert's role is to provide independent advice about a topic. What is then done with that advice is entirely a matter for the programme-maker and Channel 5.

Where an expert is allowed to overstep or where an expert purports to make an editorial decision, the expert will cease to be able to be considered an independent expert for the purposes and requirements of the Ofcom Broadcasting Code. It is, therefore, important to always understand the limits of the expert's role and how to maximise the role of the expert for the benefit of a programme.

Where an expert is used to assess a contributor's vulnerabilities and determine whether or not a contributor (adult or child) is robust enough to participate in the programme, these are the questions that the expert should be asked to answer in relation to each contributor:

a) Does the contributor understand the nature of the programme and what will be involved in participating in filming?

b) Does the contributor have any vulnerabilities (inherent or otherwise) that may: (i) impact on their participation in the production; and/or (ii) cause a contributor to become vulnerable as a consequence of taking part in the filming?

c) Is there any reason to think that the contributor is likely to be made vulnerable as a consequence of the actual broadcast of the programme and its consequences?

d) (Where there is doubt about any of (a) – (c), please set out in detail the various considerations which create the doubt so that a final editorial decision can be made about inclusion of the contributor.

An expert should always provide their answers to these questions in writing and where applicable put forward recommendations on how the contributor's vulnerabilities may be best managed during the production process.

No attempt should be made by the programme maker to have the expert recast their opinion or change any aspect of their advice without such attempt being discussed and agreed with Content Legal.