

Digital, Culture, Media and Sport Committee

Oral evidence: Reality TV, HC 2203

Tuesday 25 June 2019

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Watch the meeting

Members present: Damian Collins (Chair); Clive Efford; Julie Elliott; Paul Farrelly; Julian Knight; Ian C. Lucas; Brendan O'Hara; Jo Stevens; Giles Watling.

Questions 1 - 392

Witnesses

I: Julian Bellamy, Managing Director, ITV Studios; Tom McLennan, Director of Entertainment, North ITV Studios and Executive Producer, The Jeremy Kyle Show; and Graham Stanier, Director of Aftercare, The Jeremy Kyle Show.

II: Dame Carolyn McCall, Chief Executive, ITV plc; Sir Peter Bazalgette, Chairman, ITV plc; and Chris Wissun, Director of Content Compliance, ITV plc.

Examination of witnesses

Witnesses: Julian Bellamy, Tom McLennan and Graham Stanier.

Chair: I welcome the witnesses for this evidence session of the Digital, Culture, Media and Sport Select Committee as part of our inquiry into reality television. Before we start the questions and the evidence session, I remind Members that in accordance with the House's sub judice resolution, reference should not be made to matters before the coroner's court and, therefore, the inquest into the death of Steven Dymond should not be referred to. However, discussion of the wider issues relating to "The Jeremy Kyle Show" and other shows is permissible. I state that for the record.

We would like to start our questions relating specifically to "The Jeremy Kyle Show" with reference to the use of the lie detector test, which has been a key feature of the programme. For the benefit of the record and for people watching, we are going to play a very short clip of the use of the lie detector test and Jeremy Kyle delivering the results of that. Then we will ask some questions about the test itself. Could we play the clip? Thank you.

[An excerpt was shown from the BriteSpark Films documentary for Channel 4 Dispatches: "Jeremy Kyle: TV on Trial".]

Q1 **Chair:** Tom McLennan, you are executive producer of the programme. How long has the polygraph test or lie detector test been a feature of "The Jeremy Kyle Show"?

Tom McLennan: The show has been on air for nearly 14 years. We have recorded over 3,000 episodes. The lie detector has been part of talk shows in Britain for probably over 20 years and on talk shows all around the world, but since the beginning of "Jeremy Kyle".

Q2 **Chair:** Since the beginning of the show?

Tom McLennan: Yes.

Q3 **Chair:** How accurate do you think the polygraph test is?

Tom McLennan: We have always made it very clear to the viewers and to the participants in the show that the lie detector is not 100% accurate. We have always felt that that is incredibly important. We make that point before the guests even come to the studios for recording. We tell them before they take the lie detector and afterwards. As you will see on that clip, as Jeremy is giving out the results, we also put on the screen that the lie detector is designed to indicate whether somebody is being deceptive. Practitioners claim it to have a high level of accuracy, although this is disputed. We always wanted to be extremely clear not only for the people on the show but also for viewers.



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Q4 **Chair:** You are quite right, in the contracts for the participants in the show it says it is not guaranteed to be 100% accurate, and the company that does the tests says that on its website too, but how accurate do you think those tests are? I understand you think they are not 99% accurate, but what level of accuracy do you believe those tests have?

Tom McLennan: We know they are not 100% and that is why we have always been incredibly clear with the people coming on the show before they filmed and before they took the test, and to the viewers.

Q5 **Chair:** I am sure you are aware that "Dispatches" did a programme about "The Jeremy Kyle Show" and in that Professor Ray Bull of Derby University said he believed that even in perfect conditions with a trained expert using the machine, the test had at best a 66% to 70% chance of an accurate score.

Tom McLennan: I think if you asked different experts you would get different opinions. That is why we were always very clear to make sure that everybody was aware that it was not 100%, and that is why we came up with that disclaimer.

Q6 **Chair:** Yes, but the disclaimer does not really mean very much, does it, because "not 100%" might mean nearly 100% but there might be some minor discrepancy? Professor Bull's estimate is that two times out of three the test is accurate but one time out of three it is wrong, and that is quite a big difference, isn't it?

Tom McLennan: I have worked in other countries on lie detectors and if you ask different people you will get different opinions. We felt it was incredibly important—and I can't stress this enough—to make sure that every single person who had a lie detector test was fully informed that it was not 100% accurate.

Q7 **Chair:** Yes, but "not 100%" and "maybe only two-thirds right" is a massive difference. There is a massive difference in the way that is perceived. As you will have seen—this is the reason we wanted to play the clip—Jeremy Kyle is choosing his words carefully. He is not saying, "You are a liar"; he is saying, "The test says you are a liar", but nevertheless it is not, "The test says you might be a liar", or, "The test says you might not be right". It is being presented as black and white, "You lied", and that is causing considerable distress to the people receiving the results.

Tom McLennan: I think we have to remember that a good proportion of the people who appeared on the show were viewers and they would watch the show on a daily basis. When we were going through all our procedures, we would ask them, "Have you ever seen the show?", and they would always come back and say that they had seen the show and they would watch it regularly. If they had not seen the show, that would be a huge flag for us. They would have watched and they had applied to be on the show. They had also wanted to take a lie detector. They had seen the show and knew of Jeremy's presenting style. They knew the



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accuracy because we had made it very clear. They were completely fully informed by the time they were appearing on the show.

Q8 **Chair:** Have you asked the company that does the tests what it believes the accuracy rate is?

Tom McLennan: Yes, we have talked to them over a long period of time and they have told us that it is not 100%. They have made it very clear.

Q9 **Chair:** Yes, but you are the executive producer; you are responsible for this programme. Have you inquired as to how effective these tests are or what the likely success rate is?

Tom McLennan: Yes, which is not 100%.

Q10 **Chair:** Beyond that, have you said, "It is not 100%, so what is the actual percentage because I have to be responsible for this programme?"

Tom McLennan: As I said to you, if you asked examiners you would get different opinions.

Q11 **Chair:** What is the range you have been told?

Tom McLennan: We would get different opinions and we felt it was incredibly important to make sure that everybody was informed that the test was not 100%.

Q12 **Chair:** What is the range? You say you have had different opinions. What is the range of opinion?

Tom McLennan: We could talk to five different examiners and get a range of opinions and send them on to you.

Q13 **Chair:** Do you have those figures with you?

Tom McLennan: I do not have those figures right now.

Q14 **Chair:** Do you not know?

Tom McLennan: I know that is not 100%, and we made it very clear to everybody including the viewers.

Q15 **Chair:** It is pretty fundamental. Do you not know what the range is? You don't have that information in your head?

Tom McLennan: I don't have the information in front of me, no.

Q16 **Chair:** I find that astonishing. This has become one of the most criticised elements of the show; one of the most controversial; one of the things that causes the most amount of stress. It is presented as fact. It is disputed how good the technology is, but you don't know yourself what the range is of the likelihood of getting a true and accurate reading out of the test.

Tom McLennan: We knew it was not 100%. We put that on screen to the viewers. We told the contributors that the lie detector is designed to



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indicate whether somebody is being deceptive. Practitioners claim it to have a high level of accuracy, although this is disputed.

Q17 **Chair:** But you can't define what a high level of accuracy is, other than not 100%, but 50% is not 100%.

Tom McLennan: I am not a lie detector expert so what we would do is—

Q18 **Chair:** No, but you are responsible for this programme. You are the person who is responsible for this programme. This is a key feature in this programme and I think if you were using that and if you were being responsible, you would know the answer to that question.

Tom McLennan: Like I said, I am not a lie detector expert, so we would hire in a lie detector expert who would do the tests and come up with the results. The results would be given to the producers and then be given to Jeremy. We would not get involved with the actual lie detector test.

Q19 **Chair:** You commissioned this and I think it is irresponsible if you don't know the answer to that question—that you can't say what the range is of the likely accuracy of those tests.

Tom McLennan: I think it is disputed so it is very difficult to come up with a figure.

Q20 **Chair:** I understand that it might be disputed, but I have asked you what the range is—not necessarily to pin yourself to a particular number, but to give an idea of the range. I am disappointed that you can't do that. Where are the tests done?

Tom McLennan: They would be done in rooms in MediaCity and it would be done away from the production by an expert.

Q21 **Chair:** What is the time difference between the tests being done and the results being given to the person who has done the test, as they were on the clip?

Tom McLennan: Normally the test would be done probably the day before. Sometimes it would be done on the day of recording. Would it be useful if I explained the production process of how the show was recorded?

Q22 **Chair:** I am sure we will come on to that as we go through, but at the moment I want to focus on this bit. We have another range of topics we want to discuss.

It is not secret information and you can read up on the way polygraph tests are done. Obviously, a machine cannot tell whether someone is lying; it is reading bodily functions, heart rates and perspiration rates. How likely do you think it is that that test is going to be accurate when this is being done in a controlled environment with someone who is away from their home, staying in a hotel at MediaCity, maybe on the day they are going to make a television programme where they are probably quite nervous and quite anxious about that? How likely do you think it is that



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they are going to give a calm, measured reading in that test?

Tom McLennan: We had experts to take the test, and the contributors were fully informed beforehand of what the test involved. They would have asked us to appear on the show and to take a lie detector test.

Q23 **Chair:** They may have been informed. They have been told by you that an expert is going to do the test and it is not 100% accurate, but experts say it is accurate. They don't know how accurate it is and they are not doing it in controlled conditions. They are doing it in a makeshift facility on the day potentially they are going on a television programme where they might be feeling quite anxious. Do the people who are doing the test work for the company that owns the equipment?

Tom McLennan: Yes. We employed professionals to take the test.

Q24 **Chair:** They work for a company. Is it called UK Lie Detectors or something like that?

Tom McLennan: Yes.

Q25 **Chair:** I think they are based in Manchester as well.

Tom McLennan: I think their offices might be in Norwich but I would need to check that.

Q26 **Chair:** Okay, but the test is not being done in a controlled medical facility or research laboratory; it is being done at MediaCity. Do the people doing the testing have medical qualifications?

Tom McLennan: I don't think they have medical qualifications, but they have qualifications in lie detectors.

Q27 **Chair:** Is there a body, an organisation, that issues qualifications in being a lie detector tester?

Tom McLennan: There is. I will get those details and give them to you.

Q28 **Chair:** But those are likely to be the qualifications, if they have any at all, of these people.

Tom McLennan: Yes, and the people that we used had been doing this for many years and were very competent.

Q29 **Chair:** It seems a very precarious environment for people who are potentially going through what could be a life-changing moment. I am not sure that the show is preparing people for what this means or even briefing them properly as to how potentially likely this test is to be very flawed. It is not being done in a controlled way, not by people with medical qualifications, not being done in a specialist facility, and people are not being told what the range of percentage is for how likely this is to be true or not. That seems to be quite a precarious position to put people in.

Mr Stanier, from your position as director of aftercare, of the people you



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have met who have been on the show and have had concerns or anxiety after the show, how much has that been linked to people who have been through lie detector tests and may have been adversely affected by that?

Graham Stanier: We explain it differently. What we would say prior to the show is that some people will fail this test, but yet they will be telling the truth. We explain it differently. We don't use percentages. We just make it very clear that some people will fail that test, but yet they will be telling the truth. I think that is a fairer way to explain it.

Q30 **Chair:** I don't think it is very fair because I don't think people have been given the full picture of what these tests are, how inaccurate they could be. They are not being told that information, but the question I asked you was about aftercare after the show. Do you think that the polygraph test is a contributing factor to people who suffer with concerns, depression, after they have been on the show?

Graham Stanier: Yes. When somebody—

Chair: Yes, you think it is?

Graham Stanier: They do become distressed because they disagree with the result. That is why we have a guest welfare service after the show, in order to alleviate that distress. What we want is for people to be comforted, controlled, calm after that result.

Q31 **Chair:** In that aftercare process do you say to them, "Don't worry, the test is probably only two-thirds of the time accurate so the chances are it might not be true"? Do you say that to them?

Graham Stanier: We do, because we have mentioned it prior to the show, so we will reiterate that point. We will go back to the point that we raised before the show, which is that some people will fail this test yet they will be telling the truth.

Q32 **Chair:** Yes, but if they have also been told before the show that it is not 100% accurate but been led to believe it is highly accurate, in aftercare if you have someone who is distressed or a couple who may be very distressed and about to make a life-changing decision based on the result of this test, do you sit them down and say, "Actually, the accuracy of this is greatly disputed. It might be a third of the time it is not accurate at best and, therefore, you shouldn't rely on this test"? Do you sit people down and have those sorts of conversations as specifically as that?

Graham Stanier: I won't refer to specific numbers because I am naive about the figures of accuracy.

Q33 **Chair:** Are you aware of figures of accuracy?

Graham Stanier: I have always been aware that the lie detector was not 100% accurate.

Q34 **Chair:** Yes, I know that but you said, "I am aware of the figures", so are you aware of a range?



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Graham Stanier: No, I am not. I am not.

Q35 **Chair:** You are the director of aftercare on this programme and you do not have any figures for the percentage of accuracy of the test?

Graham Stanier: I would prefer to say to them before they do the test that some people will fail this test yet they will be telling the truth, and then after the test I will raise that again.

Q36 **Chair:** It is just meaningless, isn't it? It is a meaningless piece of information to give to people.

Graham Stanier: From my point of view, it is about keeping them informed.

Q37 **Chair:** But you are not, are you, because you are not giving information that could be relevant and would help them put the test into context?

Graham Stanier: I am informing them that some people can fail the test but yet be telling the truth, and then I can raise that if people are upset after the show. I can raise that again and say, "This is what we spoke about before".

Q38 **Chair:** Yes, but that is in the context that before the show people have been told it is not 100% accurate but the people who do the test believe it is highly accurate, so they believe it is highly accurate and it is being presented on the show as definitive by Jeremy Kyle. There is no ambiguity in what he is saying there. Afterwards, you are not saying to people, "There is a range of scores here. You shouldn't rely on the test". You don't even know what the range of accuracy is yourself—you just said that.

Graham Stanier: I prefer to say to them that some people will fail the test.

Q39 **Jo Stevens:** Can I go back to you, Mr McLennan? You said that there are different views from different experts about the reliability of the lie detector test. Can I just clarify: have you actually got information about that? Have you commissioned it, did you look at it, or were you talking about doing that in future when you gave your answers previously?

Tom McLennan: What we know is that the test is not 100%—

Jo Stevens: No, can you answer the question, please? Have you, as a programmer, as the executive producer, sought out those different views of experts that you discussed about the reliability of the test, or is that something that you intend to do in the future? I want to know whether you already have the information and you have looked at it, or whether you don't have the information at all.

Tom McLennan: I have been around lie detectors in my professional career for the last 15 to 20 years, so I know that there is different opinion. That is what I was talking about earlier.



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Q40 **Jo Stevens:** I will ask you the same question that the Chair asked Mr Stanier. What is the range?

Tom McLennan: This is why we wanted to make it clear to the contributors and to the public that it was designed to—practitioners claim it to have a high level of accuracy, although it is disputed. We felt it was incredibly important to get that point across to the contributors so they knew, plus the viewer.

Q41 **Jo Stevens:** You can't tell us what the range is because you don't know what the range is.

Tom McLennan: We know it is disputed so that is what—

Q42 **Jo Stevens:** You don't know what the range is, do you, Mr McLennan, because otherwise you would tell me?

Tom McLennan: We know it is disputed.

Q43 **Jo Stevens:** If you were going into hospital to have an operation and the doctor said to you, "This operation is not going to be 100% successful", would you just sit there or would you say, "What is the likelihood of it being successful?"

Tom McLennan: What we did is we gave the information to the contributors and they decided. Like I said earlier, they had watched the show, they had applied and they gave informed consent to come on the show and also they wanted to take a lie detector.

Q44 **Jo Stevens:** How can they give informed consent if you don't tell them what the accuracy of the test is? You can't just say it is not 100% accurate, because that could mean it is 1% accurate or 99% accurate. How can they give informed consent in those circumstances?

Tom McLennan: I think if we had given a percentage that could have been more dangerous, because if we had spoken to different people we would have got different percentages. We felt it was very responsible to give this, which is that it is not 100%, because we wanted people to be informed before they took a lie detector and before they went on the show.

Q45 **Jo Stevens:** Why is the premise of the entire show based on an exercise that is obviously flawed, that is inaccurate? The premise of the show is fake, isn't it?

Tom McLennan: One thing I would like to say is that the show dealt with lots of different issues. Sometimes we would do shows about inspirational children and different things. Yes, we used to use the lie detector. When you go on to YouTube and you see the show, you will see the moments of the show with the most conflict. People who watched the show, which was a huge number of people—I think one year 55% of the country watched an episode of "Jeremy Kyle"—would see a different thing. They saw a show that was conflict, but was also resolution and always striving for resolution.



Q46 Jo Stevens: But they will see lie detectors being used, so can you answer my question: why do you use something that is so flawed as a premise? Okay, you might not agree with me that it is the central premise of the show, but it is a significant part of the show. Why do you use something that is so flawed and why do you not tell people how flawed it is in specific terms?

Tom McLennan: We used different tools—the lie detector is one tool—to try to get to resolution. We used DNA testing. We would also put people in in-house rehab units to try to help them with drug and alcohol abuse. There was a range of different things and the lie detector was one of them, but I think the most important thing was we felt that our duty of care was really important and that we needed to make it very clear to the contributors and to the viewers that the tests were not 100% accurate.

Jo Stevens: You have a very, very unusual view of the concept of duty of care, Mr McLennan.

Chair: I appreciate there are other aspects of the show, but I think we all know that if it was not for the lie detector test we might not be sitting here today.

Q47 Clive Efford: In the light of your answers regarding the accuracy of a lie detector and the fact that you accept that there is a significant amount of disagreement about the accuracy, do you still consider the way that the results were presented to the participant in the clip we just saw to be appropriate?

Tom McLennan: Obviously, we did not pick that clip, but watching that clip now—

Clive Efford: It exists and it was broadcast. Do you accept that?

Tom McLennan: Yes. Just watching the clip, I think Jeremy did have a strong opinion about the lie detector. That is why we also felt it was so important to make it very clear that it was not 100% accurate and that is why we put it on the screen as he was giving the results.

Q48 Clive Efford: What did you take from him implying, when he waved the card, that this is the reason why they wouldn't go on the stage? What do you think he was indicating there?

Tom McLennan: Like I said, Jeremy has a very strong view, so he obviously believed in the result there and he was saying that to the contributor, so that is why we needed to make it very clear.

Q49 Clive Efford: In a previous answer, you said that you have been in association with programmes that have used lie detectors over 15 years or so. Other than in reality TV shows, where have you used lie detectors?

Tom McLennan: Only within television.

Q50 Clive Efford: ITV would not use lie detectors on its own employees, for instance.



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Tom McLennan: I don't believe that has happened.

Q51 **Clive Efford:** You do not think that would be appropriate, but it is okay for reality TV.

Tom McLennan: I don't believe that has happened, but I think every single contributor on any show that has had a lie detector has been fully informed and has also agreed to take part.

Q52 **Clive Efford:** Mr Stanier, in an earlier answer you used the term—and you did it twice—if a participant disagrees with the result. Is that a pejorative term?

Graham Stanier: It will happen when the result comes out and they say that they disagree with it. They failed and they will say, "No, I was telling the truth".

Q53 **Clive Efford:** Are you not indicating there that you accept the accuracy of the lie detector and, therefore, these people are disagreeing but they are not right in disagreeing?

Graham Stanier: I accept—and this is definitely the language that I use with guests—that some people will fail that test yet be telling the truth. I totally accept that I don't know the percentage of success or the percentage of failure. I would rather work with guests in that way.

Q54 **Chair:** Mr McLennan, you said Jeremy Kyle felt strongly about the tests. Is that correct?

Tom McLennan: Yes. To my understanding he strongly believed in the test.

Q55 **Chair:** He believes in the tests themselves. Does he believe the tests are an important part of the show?

Tom McLennan: Yes. I obviously can't talk for Jeremy today, but my understanding is that he did believe in the test.

Q56 **Chair:** It is interesting, because it has been suggested to us that Jeremy Kyle is just the presenter of the programme and does not really have much of a say in the format of the programme, but clearly you believe that he thinks this is an important part of the format of the show.

Tom McLennan: Yes, it is one of the tools that we used and I believe that Jeremy believed in the test.

Q57 **Giles Watling:** The overriding impression given by the show is that the lie detector is definitive. That is the impression that is given, otherwise you would not have a show. We are talking showbiz here and "The Jeremy Kyle Show" has been described as a form of bear baiting. Has there ever been a case where somebody has failed the lie detector and has subsequently proved that the lie detector test was wrong? If that has happened, has it been publicised and have you, as newspapers do, printed a retraction?



Tom McLennan: I cannot recall a case right now of that happening, but I can look into that and write to you after this. I want to make sure that I am giving you the correct information.

Q58 **Giles Watling:** It would be interesting to find out. That brings me on to the guests' understanding of what they are getting into. I have a career in show business. I understand how it works and as an actor I had a union—Equity—behind me and I had an agent and they had entertainment lawyers, so I had the backup. You are picking on members of the general public who do not have that sort of backup. They are not professionals in the arena and you have people whose understanding, for many reasons, of what they are getting into might not be as deep as perhaps mine might be. You are then to a certain extent, it would be fair to say, exploiting that because you are presenting them with someone who has the razor-sharp mind of a barrister and can tear them apart in public, which is part of the entertainment in a sort of Roman Colosseum-like way. Would you say that is a fair assessment?

Tom McLennan: I wouldn't. I don't believe the people who came on "The Jeremy Kyle Show" were exploited. To talk about the process, I think we did take our duty of care incredibly seriously. What we would do is 99% of the people who applied to come on the show applied because they were watching the show on a daily basis. They had a problem and they wanted to come on the show. They would apply directly to the show. They loved Jeremy and they wanted to hear his advice. I know some people will watch the show and see clips and will find that hard to believe, but the truth is that the people who were watching the show watched on a daily basis and they wanted to come on the show and they wanted to hear Jeremy's advice.

Q59 **Giles Watling:** It is an interesting thing you said there—that they had a problem. Are you not in some way exploiting the fact that they had a problem?

Tom McLennan: I think just because somebody has a problem does not mean that they are being exploited. The fact is that they wanted to come on this forum and talk about their problem and, yes, the show was conflict but it very much was resolution as well. We were always striving for resolution. We did have proper systems in place and 90% of the people who applied to "The Jeremy Kyle Show" did not get on the show. That was because we would go through lots of different checklists with them and if any flags came up we would pass them to the aftercare team, which really was more of a guest welfare team, and they would be spoken to. If there was any point in the process where they felt that they should not appear on the show, the producers did not override the aftercare team. They would absolutely be listened to. If Graham said that person cannot come on the show, that person would not be on the show. The aftercare would carry on throughout.

It is interesting in the clip that you showed earlier, I noticed there were two mental health nurses in the room while that was going on. There



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would be aftercare afterwards and counselling put in place, and we would keep in contact with them.

Q60 **Giles Watling:** The guests who come on your show are in a bad place to start with.

Tom McLennan: No, they would have a problem.

Giles Watling: They would have a problem.

Chair: We will talk a bit more about the aftercare later, if that is okay. Thank you.

Q61 **Ian C. Lucas:** Can I clarify, first of all, that the show is an ITV production and you are the person in charge of the production; is that right?

Tom McLennan: Sorry if I did not make that clear. I am Director of Entertainment, North, so I am in charge of many different programmes across lots of different genres, including factual, current affairs and different things. We also have daytime output and I was one of the executive producers of "The Jeremy Kyle Show".

Q62 **Ian C. Lucas:** Are the researchers who are speaking to contributors to the show employed by ITV?

Tom McLennan: We would make normally three, potentially sometimes even four, shows in a day. We would normally record on a Thursday and Friday. The team would normally have three days of casting where they would go through the telephone numbers for all the people who had contacted the show. They would then talk to them and they would also talk to the other side of the person that they had a problem with. If both sides agreed, they would go to senior management, discuss the story with them and then they would start going through the checklists and getting the aftercare team involved where appropriate.

Q63 **Ian C. Lucas:** How many of these researchers are there?

Tom McLennan: There would be six teams and each team would have a producer, an associate producer, a senior researcher and a junior researcher.

Q64 **Ian C. Lucas:** Does that mean three people in a team?

Tom McLennan: Four people in each team and each team would be making one show per week.

Q65 **Ian C. Lucas:** How do you find contributors to the show?

Tom McLennan: Ninety-nine per cent of all contributors would call. There would be an advert within the show saying, "If you have a problem or if you would like a lie detector, you can contact the show", so 99% of people would contact the show. Occasionally, there would be social media adverts or that kind of thing, but we did not street cast or anything like that. People would apply to us. As I said, if somebody was not a regular viewer of the show, that would be a huge flag for us.



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Q66 **Ian C. Lucas:** You placed social media adverts, for example, on Facebook?

Tom McLennan: From time to time that would happen, but normally it would be through the show.

Q67 **Ian C. Lucas:** In one of the checklists from the show, you ask a specific question: "Did you get in touch with the show after you saw an advertisement on Facebook?" Why did you ask that specific question?

Tom McLennan: The question above that is, "Are you a regular viewer of the TV show?", and then we come to that question, which is just so we are fully informed of where that person came from. If they did not come through the normal way, which is 99% of people contacting through the show, we would want to know the fact that it was through social media.

Q68 **Ian C. Lucas:** Why did you say Facebook? Why didn't you say on social media?

Tom McLennan: I am not quite sure. I think it is because Facebook was—

Q69 **Ian C. Lucas:** Is it because you advertised on Facebook?

Tom McLennan: I said I think there have been adverts on Facebook, yes.

Q70 **Ian C. Lucas:** But you specifically ask about Facebook. Do you advertise on other social media platforms?

Tom McLennan: I am not aware. I would need to find out that information.

Q71 **Ian C. Lucas:** When you advertise on Facebook, how do you decide where the adverts are going?

Tom McLennan: To my knowledge, 99% of the people are coming through the television on a trail.

Q72 **Ian C. Lucas:** You are targeting people on Facebook, aren't you?

Tom McLennan: Yes, but —

Ian C. Lucas: Is that yes?

Tom McLennan: But not many people come on the show through Facebook adverts.

Q73 **Ian C. Lucas:** Why are you asking specifically about Facebook in your questionnaire?

Tom McLennan: I think we would want to know if they did not come through the route, which is an advert on the show.

Q74 **Ian C. Lucas:** Can I suggest that you are targeting individuals on Facebook? Isn't that the truth of the matter?



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Tom McLennan: No, like I said, 99% of people who came on the show would apply through the show. We would ask them if they were regular viewers, so we knew that they were informed with the presenting style and also the content of the show.

Q75 **Ian C. Lucas:** Were you trawling for contestants on Facebook?

Tom McLennan: I believe there were adverts that would go up on Facebook, but 99% of the guests would come through the show.

Q76 **Ian C. Lucas:** Did you have a shortage of applicants? You said 90% of people don't get on the show.

Tom McLennan: We believe around 1,000 people would apply to be on the show a week and 90% of those would not appear on the show.

Q77 **Ian C. Lucas:** Why were you advertising on Facebook?

Tom McLennan: That has happened because obviously the show, like any other daytime show, is trying to get a range of stories and topics.

Q78 **Ian C. Lucas:** Were you microtargeting advertising on Facebook—

Tom McLennan: I don't believe we were because the advert that we were putting on—

Ian C. Lucas: For people with particular issues and particular problems?

Tom McLennan: We were looking for people who had a problem that they would want to resolve in that forum.

Q79 **Ian C. Lucas:** You were going out there and looking for people with problems. You were advertising for people with problems.

Tom McLennan: I can only give you the same answer, which is that 99% of the people who came on the show would be through the advert on the show.

Q80 **Ian C. Lucas:** Do you think that it is responsible to advertise for people with problems, to microtarget?

Tom McLennan: We were advertising for people who had seen the show and would like to appear on the show.

Q81 **Ian C. Lucas:** Can I ask you about Mr Kyle's involvement in the show and what his role is? Is he involved in scripting meetings on the show?

Tom McLennan: Scripting meetings? No. I can tell you Jeremy's involvement. He would normally come up either the night before or the morning of record day. We would normally record on a Thursday and Friday. Then he would come to a briefing on the Thursday morning. We would go through all the notes of the guests that we had taken the night before. We would go through a synopsis. Graham would be in the room. We would talk about if there were any concerns. But that would be the first time he would hear the stories that would be on the show that day.



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Q82 **Ian C. Lucas:** Would he only meet the participants on the day of the show?

Tom McLennan: Yes.

Q83 **Ian C. Lucas:** Does he have preliminary meetings with them to discuss their particular problems?

Tom McLennan: No, the producers would have those conversations and the aftercare team, which is really important, would do a face to face in the morning and meet all the contributors before they went on the show. Even at that late stage, which did happen occasionally, if there were any concerns for a guest's welfare we would not go ahead with that participant or story.

Q84 **Ian C. Lucas:** Did Mr Kyle himself meet with the individuals before the show?

Tom McLennan: No, he didn't.

Q85 **Ian C. Lucas:** Okay. In the notes that you sent to participants in the show, you were talking about the notes that are collected from the participants, and you say, "With these notes, Jeremy is better equipped to advise and offer as much help as he can to resolve whatever problem or issue you may be facing". Does Jeremy offer advice and help to contributors?

Tom McLennan: People would come on the show because they had seen the show and the show was conflict resolution. If it was a conflict resolution show, they were coming on and Jeremy would strive to find a resolution for that story. Graham was quite often on the show because we tried to make a big point that this was something that was very important to us on the show—that even after the cameras and the show had finished, Graham and his team would step in and also try to put together any aftercare that we felt was important.

Q86 **Ian C. Lucas:** But the notes don't say that. They don't say, "Our team is better equipped to advise and offer as much help as it can". It says, "Jeremy is better equipped to advise and offer as much help as he can". When does he give advice and offer as much help as he can—at what point? Is that during the show?

Tom McLennan: The viewers of the show who watch loyally every single day will absolutely know that there was conflict but there was also resolution, and that was important. He would be striving for resolution.

Q87 **Ian C. Lucas:** Okay. Let me talk about the clip earlier on. What help did Jeremy offer in that case? What assistance and help did he offer?

Tom McLennan: We didn't see the end of the story but any viewer, anybody who watches it, knows that Jeremy is always striving for resolution at the end of the story, if it could be achieved. Sometimes it definitely could not be achieved but he would always be trying to get resolution.



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Q88 **Ian C. Lucas:** Does he offer any advice and help after the show? Is he involved in talking to people after the show?

Tom McLennan: No, that would be more Graham and his team, which is not just Graham. There are four in your team, aren't there? He has four people and they would be involved in that afterwards.

Q89 **Ian C. Lucas:** The only advice that he offers is during the show?

Tom McLennan: That is correct.

Q90 **Ian C. Lucas:** I don't think this statement is true: "With these notes, Jeremy is better equipped to advise and offer as much help as he can to resolve whatever problem or issue you may be facing".

Tom McLennan: I think viewers who have watched Jeremy for years and years and years, potentially thousands of episodes, wanted to come on the show because they respected Jeremy, they loved Jeremy and they wanted to hear his thoughts on their problem. I think that was trying to reflect that.

Q91 **Ian C. Lucas:** I think they have a positive impression of Jeremy and that is why they want to be on the show. But what the notes that you provide say to them is that he is going to offer help and guidance to them, whereas in fact what he is doing is he is putting them on the telly. He is not there to help them; he is there to entertain. With respect to Mr Stanier, his job is to clear up the mess afterwards.

Tom McLennan: I don't see it as that. Of course, we were—

Q92 **Ian C. Lucas:** I am sure you don't; you were making the programme, but that is the reality. I think what you send out to people is really misleading.

Tom McLennan: I think it would not be to viewers of the programme. I honestly believe that people who watched the show on a daily basis knew what Jeremy was. Of course, with some of the things—

Q93 **Ian C. Lucas:** What is Jeremy? How would you describe Jeremy?

Tom McLennan: With some of the things we would see the more conflict moments, but regular viewers would see that Jeremy is a fantastic presenter. They wanted to come on the show, they wanted to talk to Jeremy and they wanted to hear his thoughts on their relationship problem or whatever the problem might be, and that is why they applied.

Julian Bellamy: If I may just add to this point, it was at its heart a conflict resolution show and a relationship show, and people did proactively apply in the hope of fixing disputes, getting to the truth, seeking help. I know first-hand, as the head of ITV Studios, how seriously duty of care was taken around informed consent, being fit to participate, being treated fairly. In this almost 15-year period, 20,000 people have appeared as guests on this show, 3,000 episodes have been made, and in that entire time there have been only five Ofcom complaints upheld.



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against the show, three of which were about language and none of which relate to the actual duty of care or the unfair treatment or the health and welfare of guests. In fact, of that 20,000 number, only seven guests in the entire history have complained to Ofcom and none of those complaints have been upheld. I think that is a testament to the seriousness with which duty of care was treated.

Q94 **Ian C. Lucas:** Have you read these notes that I read out?

Julian Bellamy: Sorry, are you addressing that to me?

Ian C. Lucas: Yes, I am. I am addressing it to you, Mr Bellamy.

Julian Bellamy: Yes, I have read the notes.

Q95 **Ian C. Lucas:** I am going to read them again: "With these notes, Jeremy is better equipped to advise and offer as much help as he can to resolve whatever problem or issue you may be facing". Do you think that is a fair representation of what Jeremy does?

Julian Bellamy: I think it is an absolutely fair representation of what happened in the show and that the people who applied to be on the show—

Q96 **Ian C. Lucas:** You say "the show". It says "Jeremy". It says Jeremy because you are trying to encourage people to come on the show because Jeremy is going to help them; not the team, but Jeremy. You use the word "Jeremy".

Julian Bellamy: People were very clear about the nature and contents of the show.

Q97 **Ian C. Lucas:** I don't think this is clear. I think this is misleading for vulnerable people who you have targeted. Do you know about microtargeting?

Julian Bellamy: That is one document and it does not capture the totality of the conversations that are had with the guests.

Q98 **Ian C. Lucas:** Do you think that statement is accurate?

Julian Bellamy: I am saying you can't judge the programme on the basis of that one sentence. I am saying that you have to look at the totality of it. I would argue that of the 20,000 people who have appeared in this show, there has never been an Ofcom complaint upheld about unfair treatment of guests.

Q99 **Ian C. Lucas:** Do you know about the advertising on Facebook?

Julian Bellamy: It is a relatively standard practice to advertise for programmes in that manner across social media.

Q100 **Ian C. Lucas:** Can you tell us where you targeted and what instructions you gave to Facebook about where they should place these adverts?



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Julian Bellamy: No, I can't.

Q101 **Ian C. Lucas:** Can you come back to us and tell us?

Julian Bellamy: Of course I can.

Ian C. Lucas: Thank you very much.

Q102 **Julie Elliott:** Mr Bellamy, would you say that that sentence that Mr Lucas has read out is a true sentence or a false sentence?

Julian Bellamy: Sorry, which sentence are you referring to?

Julie Elliott: The sentence he has read out to you about Jeremy personally helping people solve problems. Is that a true statement or is it a false statement?

Julian Bellamy: I think if you watched the show—

Q103 **Julie Elliott:** Is it a true statement?

Julian Bellamy: Yes, in the show it is a true statement.

Q104 **Julie Elliott:** You think that is a true statement?

Julian Bellamy: If you watched the show it is self-evident that that is what he does.

Q105 **Julie Elliott:** No, I simply want an answer: do you think that is a true statement or a false statement?

Julian Bellamy: Yes.

Q106 **Julie Elliott:** Thank you. Can I ask you about lie detector tests? Do you know what the percentage of accuracy is on lie detector tests? You are the big boss of this organisation. Do you know?

Julian Bellamy: I echo what Tom said, which is that they were not 100% accurate.

Q107 **Julie Elliott:** Do you know what the range is?

Julian Bellamy: I don't.

Q108 **Julie Elliott:** Thank you. If we move on to some of the information that we have released at the start of the hearing today, which your company provided us with, there is a lot of information about assessments of whether any support may be required from our aftercare team. We have already heard in evidence this morning that aftercare is not really the right description of the team.

Graham Stanier: No, I think—

Julie Elliott: Can I ask the question? What I am concerned about is what pre-going on the show care is given to individuals.



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Graham Stanier: The aftercare part is about after the show and there are all the same numbers in the team, guest welfare. The production team will refer people where there are concerns and there will be—

Q109 **Julie Elliott:** Is any there any face-to-face sit-down meeting with that person?

Graham Stanier: There is but not at that point.

Q110 **Julie Elliott:** At the point before they go on the show, is there any individual assessment of the person from anyone who is medically qualified?

Graham Stanier: They are specialist mental health nurse practitioners and they will do face-to-face before a show.

Q111 **Julie Elliott:** If we move to this “The Jeremy Kyle Show” checklist document that you provided us with, on page 6 it says, “Read out. We require the following medical information due to the nature and subject matter of the programme and in order to ensure that we meet our duty of our care to you as a potential participant in the programme including providing suitable access to phone-in venues”. That is fine. There is then a series of boxes. Are the questions in the boxes posed verbally or does the person read those?

Graham Stanier: Is this on the guest’s welfare continuous assessment?

Julie Elliott: This is on the document that I said was called “The Jeremy Kyle Show” checklist.

Graham Stanier: That is a production document.

Q112 **Julie Elliott:** Who goes through that with the individuals?

Tom McLennan: The researcher or associate producer or producer would go through this and as soon as there were any flags it would be passed over to—

Q113 **Julie Elliott:** Nobody with any medical qualification would go through that?

Tom McLennan: It would be gone through by production, but then if anything—

Julie Elliott: I presume they don’t have medical qualifications.

Q114 **Chair:** My reading of that list is that it looks like it is a call list that a casting researcher would go through on the phone or something. Is that correct?

Tom McLennan: There is scripting and everything to make sure that everyone is saying the same thing.

Q115 **Julie Elliott:** Where I have read that bit out on page 6 of that document, halfway down it says, “Read out”, and I have just read it out, “We require



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the following medical information” and there is a series of boxes below. Are the boxes below read out?

Tom McLennan: Yes.

Q116 **Julie Elliott:** The one I am particularly concerned about is, “Do you have dyslexia or difficulty reading and writing?” Is that read out to the individuals?

Tom McLennan: It is read out, yes.

Q117 **Julie Elliott:** From the answers that come from that, if somebody says, “No, I am fine” or, “Yes, I am fine”, is anything further pursuant to that done with the individuals?

Tom McLennan: The main flag for that would be when we go through the consent forms and everything else, we would be made aware of that, so we could go through it more fully.

Q118 **Julie Elliott:** What I am concerned about here is what assessment researchers or anybody else are giving to the people who have applied to be on the show and have got to this stage about their understanding, their level of language skills, their understanding of their literacy skills, their understanding of the comprehension of what, having read some of these documents, are quite complex legalese documents that I would suggest the average member of the public would not necessarily have a huge comprehension of. Is there any assessment of that done at that point?

Tom McLennan: It is all part of a longer process. Every single conversation we are having with them is building up to the informed consent. You are absolutely right, the reason for the dyslexia comment there is because when we go through some of those forms we know that we need to go through them more verbally than written. This gives a snapshot, but on the day Graham and his team would also do a face-to-face assessment with every single person and if there was any—

Q119 **Julie Elliott:** About literacy skills and language skills and comprehension skills—is that done at any point? If you look at all the evidence on people without the level of literacy and language skills that their age would say they should have, if somebody can read and write their name, their address, where they are from and so on, they would say they could read and write, but could they read and write to the level that could understand the documents that you expect them to sign to give informed consent, going back to the point that my colleague Jo Stevens was making? What assessment of language and literacy skills and comprehension skills do you make?

Tom McLennan: I personally have quite bad dyslexia, so I understand what you are talking about.

Q120 **Julie Elliott:** I am putting dyslexia to one side. I am specifically asking about language skills, literacy skills and comprehension skills. What



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assessment is your organisation, at any level by anybody, doing before someone is given the documents to sign that you are saying gives informed consent? What are you doing on that?

Tom McLennan: From the very first conversation until the moment that they appeared on the show there would be lots of conversation and obviously the checklist and forms would be gone through with them. If there was a worry that somebody was not understanding properly, that is something that would be discussed. It is very case by case, but I do see your concerns.

Q121 **Julie Elliott:** What would flag a concern to you?

Tom McLennan: Like I said, that is why it was very important to do a face-to-face before. With the best will in the world, all the forms in the world might not pick up things and sometimes a face-to-face was the best thing. This is why we are saying that even at that late stage and we would hope through all of our checklists and procedures—and just to really make clear, the procedures constantly evolved. These are not just the procedures that we put in place 14 years ago and thought we had done our job and let's carry on with them. On sometimes a monthly basis, we would move—

Q122 **Julie Elliott:** Can I draw you back to this question?

Tom McLennan: Yes. I just think it is quite important to—

Julie Elliott: If somebody answered yes, they are fine, to that, would any further questioning or assessment be made of somebody's language, literacy and comprehension skills?

Tom McLennan: It would have happened throughout the process of conversations and on the one-to-one.

Q123 **Julie Elliott:** How?

Tom McLennan: It is something that did concern me and it is something that I feel we took very seriously, but I can see where your concern is.

Q124 **Julie Elliott:** You are not answering my question. You are not telling me in any way, shape or form where you are assessing these skills.

Tom McLennan: I am trying to explain the process from the very first conversation. If any flags came up through the checklist they would be passed on to the duty of care team, the aftercare team, who would talk to them about a range of different issues.

Q125 **Julie Elliott:** But if somebody answered that question, "Do you have dyslexia or difficulty reading and writing?", by saying, "No, I am fine", would any further assessment be done of that person? It is a straightforward question.

Tom McLennan: Potentially not, but there would still be conversations going forward that we would hope would pick up these things.



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Q126 **Julie Elliott:** The conversations would specifically ask about language and literacy?

Tom McLennan: I can't say they specifically would, but there would be conversations and a face-to-face with the team before they went on the show.

Q127 **Julie Elliott:** You keep physically gesturing to Mr Stanier. Mr Stanier, what would follow if somebody said they had no issue?

Graham Stanier: You have highlighted something there because it does not say "refer" and you have identified that that needs to happen. They need to refer to aftercare who can do an evaluation on that.

Q128 **Julie Elliott:** But if somebody answered that question that they can read and write and they don't have dyslexia, that would not come to you, would it?

Graham Stanier: No.

Q129 **Julie Elliott:** There would be no further conversations, would there, Mr McLennan?

Tom McLennan: I would have hoped it would have been picked up in the one-to-one, but I can see where you are coming from.

Q130 **Julie Elliott:** Would there be any further conversations?

Tom McLennan: There would not have been any official conversations but there would have been a one-to-one conversation.

Q131 **Julie Elliott:** If somebody's answer to that question satisfied you, there would be no further assessment of that person, that their understanding of quite complex contractual documents was at a level that really fulfilled your duty of care. That would not happen, would it, Mr McLennan?

Tom McLennan: There would be no more official conversations.

Julie Elliott: Thank you.

Q132 **Jo Stevens:** The checklist that Ms Elliott has referred to is all self-disclosure, so you ask the contributors to the programme and they give you information. It strikes me as a little bit odd when a lie detector test is a big part of the programme that you rely entirely on self-disclosure from contestants. Do you not think it is odd? The premise of the programme is whether or not people tell the truth, isn't it, and you are relying entirely on self-disclosure here?

Tom McLennan: Yes. Part of the process would be the checklists and the conversations and everything else. Part of the checklists was also talking to friends and family that were connected to the contributor. In those questions, we would be trying to check to see if the information that they are giving to us is correct. It was self-disclosure but we also talked to friends and family around them.



Q133 Jo Stevens: On other ITV programmes like “Love Island”, confirmation from a GP, for example, is asked for about a condition maybe, if there is self-disclosure about a condition. Why don’t you do that?

Tom McLennan: Graham can probably talk more about that as the head of aftercare.

Graham Stanier: In self-disclosure there is no reason, for me anyway, to believe they are going to be dishonest. They have to be honest in their self-disclosures. This is a sad reflection because some people don’t have GPs and some people don’t attend a GP practice. While on the one hand it may come across that we are improving a service, that unfortunately is a reality.

Q134 Jo Stevens: Of the contestants that appear on the show, do you know how many don’t have GPs? Do you ever ask them if they have a GP?

Graham Stanier: I work a lot in addiction and for a lot of the addicts that I speak to that I send to rehab, it is very difficult. I am just looking at that group. That is probably the group that would inform me that they don’t attend a GP practice.

Q135 Jo Stevens: You do not know how many people don’t have a GP?

Graham Stanier: No. We do have a GP but it is not their GP. We do have a medical practitioner who we can contact and consult with.

Q136 Jo Stevens: One of the other documents that you very kindly disclosed to us is what is called a “Special category data notice for The Jeremy Kyle Show”. This is quite a lengthy and detailed document that people have to sign and agree to that enables you to keep and use very specific categories of data that you would otherwise not be allowed to use under data protection legislation. That includes stuff about people’s physical and mental health, their sex life, their race and ethnicity, stuff to do with the DNA testing and the lie detector testing.

I am particularly interested that it says right at the end of this very lengthy and complex document that if you don’t sign the document, if you don’t give your consent so that you can have this data—and I will come back to what you use it for and how long you keep it—“depending on the information concerned, we may not be able to proceed or continue with your application or participation in the programme”. Effectively, people have no choice, have they? If they want to come on the programme, they have to agree to you holding this very sensitive data and then doing with it what is set out in this document, otherwise they can’t go on the programme.

Tom McLennan: Recently, with the new GDPR regulations coming in, this is something that we have had to take very seriously and go through everything. This is all relatively—

Q137 Jo Stevens: Yes, but you basically do not give them any choice, do you?



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Tom McLennan: This is obviously all relatively new and we have a business affairs team and lawyers who are trying to make sure that we are compliant, and that is what they have informed us.

Q138 **Jo Stevens:** It says also in this document that you will share internally with business affairs, as you mentioned, compliance and insurance teams. I am interested to know why you would share information about people's medical data with insurance teams.

Tom McLennan: I am not sure of the answer. I am not a lawyer, but I can get that information and pass it to you.

Q139 **Jo Stevens:** Okay. What concerns me is that if this information is being shared with insurance teams, it would probably affect the contributor's ability to get insurance in the future. I would appreciate it if you could write to the Committee about that. Thank you.

Tom McLennan: Okay. Let me look into that. I understand. Yes, of course.

Q140 **Jo Stevens:** How many contestants in your experience are put off going on the programme after applying and getting through this process and the self-disclosure form because of mental health issues? Is that something that happens very often?

Tom McLennan: It is a difficult thing. We put in very stiff duty of care because we wanted to make sure that everybody who appeared on the show was capable and okay to appear, but we also had to be very careful that we were not letting people with mental health issues apply to be on the show. Sometimes there is—

Q141 **Jo Stevens:** Going back to my question, of the people who apply to be on the show, how many do you reject for concerns about mental health at that first point? Then how many people who you accept and go through this process with have been rejected because of mental health issues?

Tom McLennan: That is going to be very difficult to give—

Q142 **Jo Stevens:** Is it lots of people? Is it very few people? Has it ever happened?

Graham Stanier: I think referrals to the assessing team is probably 50% to 60%.

Q143 **Jo Stevens:** So 50% to 60% of people are then rejected and not—

Graham Stanier: Yes, at that point.

Q144 **Jo Stevens:** Fine. Finally, I wanted to come back to something you said, Mr Bellamy, about complaints to Ofcom. You said there were only seven complaints made to Ofcom.

Julian Bellamy: By guests on the show, correct.



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Q145 **Jo Stevens:** By guests on the show, yes. How many guests on the show made complaints to you as ITV after the show?

Julian Bellamy: I do not have that number to hand, but I—

Q146 **Jo Stevens:** Do you keep a record of it?

Julian Bellamy: I would have to come back to you on that. What I would say is that if anyone raises an issue or a concern or a complaint that is not satisfactorily resolved, they are referred to Ofcom.

Q147 **Jo Stevens:** You tell them to go to Ofcom?

Julian Bellamy: Correct.

Q148 **Jo Stevens:** All right. It would be very helpful for the Committee to know, first, whether you record complaints from guests or contributors to the programme and how many complaints you get as a percentage of the guests who appear on the programme. Could you send us that? Thank you.

Julian Bellamy: Sure, of course.

Q149 **Brendan O'Hara:** Mr Stanier, at the start of this session we saw Jeremy Kyle thrust a card in the face of a crying woman and declare, "The lie detector says you are a liar". The director then cut to her husband, partner or whoever, who looked to be at the point of a breakdown. The director then cut back to Jeremy Kyle, who repeated the process, saying to this crying woman, "The lie detector says you are a liar". In your professional opinion, is this acceptable behaviour? Are you comfortable with what you saw?

Graham Stanier: It is not the behaviour I would employ. That is a black and white statement, saying somebody is a liar. In terms of the two contributors, there were two members of aftercare. In the example there, there was someone sitting with the female on the sofa. They were there because they did not want to be on the centre stage, so they were taken into that room and then it was a very calm environment. Then, as her partner came in, there was another member of aftercare coming behind him.

Q150 **Brendan O'Hara:** Yes, I saw all of that and I will come back to the people who were there in a moment. But I am asking you: in your professional opinion, as the person employed to look after these very vulnerable people, are you comfortable with what you saw?

Graham Stanier: That is the presenter's style and I have—

Q151 **Brendan O'Hara:** Yes, I know it is his style and everything, but are you as a professional comfortable with what you saw?

Graham Stanier: I am responsible for me. I am responsible for me and my behaviour. I cannot be responsible for the presenter's behaviour.

Q152 **Brendan O'Hara:** What is your role, then? If you are only responsible for yourself and you are not responsible for the presenter or the production, what is your role?



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Graham Stanier: I am responsible for me and I am responsible for the guests, and the responsibility for the presenter lies with production.

Q153 **Brendan O'Hara:** See, I am very unclear as to what your role is, then. I imagined you would be an integral part of the production team, hired as a professional to say, "Yes", "No", "You can do it", "No, you can't do it", but that is clearly not your role.

Graham Stanier: No, that is my role, but then, in the moment, he becomes passionate. He becomes opinionated. He will deliver in that way. If people are uncomfortable with that, it is a production issue to address that.

Q154 **Brendan O'Hara:** Let us talk about that specific incident we saw. What did you do in the immediate aftermath of that incident?

Graham Stanier: There were two members of aftercare allocated to two people, so one per person, and then they would have been taken upstairs to their dressing rooms.

Q155 **Brendan O'Hara:** No, I am asking you: did you go to Mr McLennan or did you go to Mr Kyle and say, "That was out of order. That was wrong. You humiliated these people. You exposed their vulnerabilities. You played on them. Your style was overly aggressive"—

Graham Stanier: My concern is for—

Brendan O'Hara: No, can I ask you? On that specific incident we saw, did you go to the head of production or the executive producer or Mr Kyle and say, "That was wrong"?

Graham Stanier: My main concern on that part was to make sure both of those people had adequate support and that I would have done. You must remember that senior members of production are watching that part and if in their opinion their presenter behaved in any way other than reasonably, it is for them to address that.

Q156 **Brendan O'Hara:** But, as you have said, it is not a binary choice. You did not have to go and look after the guests at the choice of not speaking to Mr Kyle or Mr McLennan. You could easily have done both, and I would imagine it would have been in your remit to have done both. Did you do both?

Graham Stanier: I did not speak to the presenter or the series producer on that occasion.

Q157 **Brendan O'Hara:** Were you professionally comfortable with what you saw?

Graham Stanier: I am never professionally comfortable with black and white statements.

Q158 **Brendan O'Hara:** Okay. I will come back to you in a moment, Mr Stanier. Mr McLennan, on that clip as well, you referred to it a moment ago and, in defence of what we saw, you said there were two mental health nurses in the shot. I was under the opinion that mental health



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nurses were there to treat people with mental illness. Were these people involved in need of mental health nurses?

Tom McLennan: No, sorry, I thought that was explained. It obviously was not very clear. In part of Graham's team there are two special mental health nurses who are part of the—

Graham Stanier: It is continuity of care. The assessing team then goes through into the support team and then the support team into the aftercare team, so it is a level of—

Q159 **Brendan O'Hara:** Yes, but were the two people you referred to in that clip mental health nurses?

Tom McLennan: Yes, they were.

Q160 **Brendan O'Hara:** So, in your opinion, Mr Stanier, were the subjects in need of mental health nurses?

Graham Stanier: No, in that case they were in need of a very calm environment after that event.

Tom McLennan: Just to come back to Jeremy's style, Jeremy has been on the show for 14 years. He was on the radio before then. He has always had the same style. This is not a new style that has changed. He is hard and he is honest, but people absolutely loved him and that is why they applied and wanted to appear on the show.

Q161 **Brendan O'Hara:** Yes, and that is why we have something called a duty of care—

Tom McLennan: We took our duty of care incredibly seriously. That is the reason why we—

Q162 **Brendan O'Hara:** We will come to that. Mr Stanier, what was your career path before you became director of aftercare on "The Jeremy Kyle Show"?

Graham Stanier: I spent many years as a registered general nurse in the NHS. Then, when I left the NHS, I worked for many years in occupational health with an interest in mental health in the workplace. Then I took a period of time studying for four years, studying psychology and psychotherapy, and then received a master's degree.

Q163 **Brendan O'Hara:** Do you have a professional qualification in psychology?

Graham Stanier: I have studied modules of psychology, but I have a professional qualification in psychotherapy. Often it happens that people will finish their first degree and then take a second degree and do postgraduate studies to study psychotherapy, which is more of an intervention, a talking therapy.

Q164 **Brendan O'Hara:** Are you registered with the Health and Care Professions Council?

Graham Stanier: I am registered with the UKCP.



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- Q165 **Brendan O'Hara:** But not with the Health and Care Professions Council?
Graham Stanier: No.
- Q166 **Brendan O'Hara:** Who in the production was the person who was that fully qualified psychologist who was registered with the Health and Care Professions Council?
Tom McLennan: Graham was the head of aftercare.
- Q167 **Brendan O'Hara:** There was nobody who has the professional qualification in psychology and is registered with the Health and Care Professions Council?
Tom McLennan: Like I said, Graham was the head of aftercare, yes.
- Q168 **Brendan O'Hara:** Mr Stanier, who does your professional second opinion when you are on the show and what qualifications did your second opinion have?
Graham Stanier: Second opinion?
Brendan O'Hara: Did you work in isolation?
Graham Stanier: No, I work in a team.
- Q169 **Brendan O'Hara:** Yes, but you are the head of the team, so you look after people who apply to come on to the show.
Graham Stanier: Yes.
- Q170 **Brendan O'Hara:** Then you look after them once they are on the show and then you look after them when they have left the show.
Graham Stanier: Yes.
- Q171 **Brendan O'Hara:** First of all, is there not a conflict? Do you not see there could possibly be a conflict there in what you do? Secondly, surely, with that volume of people and with that amount of care required, I thought it would be standard practice for a medical professional to have a second opinion or someone to have that second opinion, too.
Graham Stanier: We have four members of the team. We work as a team and we have supervision with each other within that team. We discuss things openly within that team, so we support each other as a team of four. We support each other.
If I need any medical intervention, I can contact the doctor. For instance, I might need a medical examination on someone who is going to rehab to check out their suitability medically.
- Q172 **Brendan O'Hara:** I am just checking my notes. You never felt the need for any level of secondary support or—
Graham Stanier: I get secondary support from my team.
- Q173 **Brendan O'Hara:** Okay. You do not have a professional secondary opinion of someone who is a qualified psychologist and who is registered with the Health and Care Professions Council?



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Graham Stanier: In terms of a second person to say someone is suitable?

Brendan O'Hara: Yes.

Graham Stanier: No, that system does not exist.

Q174 **Brendan O'Hara:** I did read the evidence from the Association of Clinical Psychologists that says, "Only psychologists regulated by an independent statutory body (in this case, the HCPC) should be carrying out...assessments and/or directing decisions about psychological care for participants. Governance and accountability are absolutely key: only regulation can guarantee these". But that does not seem to be the case because there is nobody who is HCPC qualified, is there?

Graham Stanier: No, we have a team who supervise each other and work as a team.

Q175 **Brendan O'Hara:** Okay. Could I ask then Mr McLennan and Mr Bellamy? Why is there not a member of the Health and Care Professions Council embedded with this team?

Tom McLennan: This is something we are going to have to come back to you on. We are going to have to look into it and write to you.

Julian Bellamy: The short answer is that we felt confident the duty of care processes were robust. As you say, the team relied on Graham and his aftercare team, so we were confident in the processes.

Q176 **Brendan O'Hara:** Are you still confident?

Julian Bellamy: Yes, I am still confident in the processes. I know how seriously the duty of care was taken. Whether it is about informed consent or treating people fairly or any aspect of health and welfare, I know how seriously it was taken and how extensive and detailed the policies are. In saying that, look, of course, whether it is on this show or any show across ITV Studios—and it is not perfect and I am sure we could always improve—we are constantly striving to improve our duty of care processes and we continue to do that.

Q177 **Brendan O'Hara:** Mr McLennan, why is there nobody on the team who has that professional qualification in psychology and nobody on the team who is registered with the Health and Care Professions Council?

Tom McLennan: At the moment, there is a review across the whole of ITV and that was happening before "The Jeremy Kyle Show" finished. Dr Litchfield is going through everything. We have a risk management team and everything is gone through and checked. Like Julian said, we really did take our duty of care very seriously 14 years ago and it evolved over a period of time. We are constantly putting in extra people. We went from a team of one to a team of four. We added residential rehabs. We brought in a doctor that we could use within the show as well. It was something we were constantly looking at and constantly updating and improving on.

Graham Stanier: The team itself are qualified, highly experienced and



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competent in carrying out assessments. They have been trained within the NHS to carry out mental health assessments. They have been trained in the NHS to carry out risk assessments. They have been trained within the NHS to carry out psychometric testing. That is why they have the title of specialised registered mental health practitioners.

Q178 **Brendan O'Hara:** Thank you. I have a couple of final questions, Mr Stanier. How many times did you stop someone going on to the stage immediately prior to filming?

Graham Stanier: I heard some statistics the other day. The assessment is ongoing. It is continuous from the moment we speak to them to the moment they leave the stage and then beyond that. At that point, it is face-to-face assessment. Maybe 50.

Q179 **Brendan O'Hara:** Fifty out of how many shows have there been, did you say?

Graham Stanier: Fifty in the whole year.

Julian Bellamy: We have made over 3,000 shows.

Q180 **Brendan O'Hara:** Did you ever stop the recording of a show?

Graham Stanier: I have when somebody has been distressed. It was not a conflict part but they were upset. They were reliving something. They were upset. Recording was stopped and they were taken off the stage. If I felt it was necessary, certainly.

Q181 **Brendan O'Hara:** You have interrupted recording. Did you ever interrupt a recording when Mr Kyle was confronting one of the guests?

Graham Stanier: As a standard rule, every guest is told as we walk down to the theatre with them, "At any point, if you feel uncomfortable, just walk off the stage". That is probably why people see that so often. Then on the left and right of the stage will be two aftercare members. They are always informed, "If at any point you feel uncomfortable on stage, please walk off".

Q182 **Brendan O'Hara:** Yes, but did you professionally ever intervene to stop a recording when you thought Mr Kyle had overstepped the mark?

Graham Stanier: No, I prefer to have the guests and say, "If you feel uncomfortable, leave the stage".

Q183 **Brendan O'Hara:** How many times after the recording of a show did you say, "This show should not be broadcast"?

Graham Stanier: Shall I tell you how that works? I will speak to the guests after the show. If they have any concerns whatsoever—

Q184 **Brendan O'Hara:** No, I am trying to get at your professional responsibility, not someone's desire to be on the television or someone's fear of upsetting the production team, but your professional responsibility. When, if ever, did you go to Mr McLennan and say, "This programme should not be broadcast, in my professional opinion"? How many times?



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Graham Stanier: Why would I say that? I am trying to understand why.

Q185 **Brendan O'Hara:** For example, the clip we saw of the people dreadfully upset by the lie detector claiming they are a liar. Was there never a point after the recording of a show that you went to Mr McLennan and said, "For the good of this couple or this individual's mental health, this programme should not be broadcast"?

Graham Stanier: Yes, absolutely.

Q186 **Brendan O'Hara:** You have? How many times?

Graham Stanier: In conversation with a guest, if they raise any issues of concern that have happened during their participation on the show, I do not raise it directly with Mr McLennan but I do raise it with the producer of that show.

Q187 **Brendan O'Hara:** How many times have you made that intervention and how many times have they acted on it and not broadcast an episode?

Graham Stanier: They always act on it. They will—

Q188 **Brendan O'Hara:** How many times have they, on your say so, not broadcast?

Graham Stanier: Every time I make a recommendation, it is followed.

Q189 **Brendan O'Hara:** How many episodes of "Jeremy Kyle" are sitting on a shelf not broadcast because you said, "Do not broadcast it"?

Graham Stanier: It is hard for me to put a number on it, but I—

Tom McLennan: I could potentially put a number on it. In any one year, we would potentially over-record by 18 shows and we would drop a part if we felt it was necessary. What I really want to make very clear is that if Graham ever said to us that he felt a part of a show should not go out, that part would be dropped. He would have the final say, not the executive producer.

Q190 **Brendan O'Hara:** Could you then find out, looking back in your records, how many times Mr Stanier has come to the production team and said, "For the mental wellbeing of the participants, this should not be broadcast", and could you write to us and tell us that exact number?

Tom McLennan: We can look into it, yes. It would be through the conversations he has had with the guests.

Q191 **Brendan O'Hara:** There would be a paper trail. There must be a paper trail.

Tom McLennan: Yes, there is a paper trail on every single person who appears on the show, so we can definitely look into how many shows were dropped or parts were dropped through conversations with Graham. I can try to get that to you, of course.

Q192 **Chair:** Could I just confirm this point, Mr Stanier? Is it the case that you cannot recall at the moment a single occasion when you have made the recommendation that a story should not be broadcast because—



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Graham Stanier: I do make the recommendations after the show if it is raised with me, which it would be, or with one of the aftercare members. I would then go into that room. I would have a long chat with them and then, if there were concerns, I would then raise it with the producer. Then it becomes the production's responsibility to take it up to another level.

Q193 **Chair:** You are saying you have done that?

Graham Stanier: Yes.

Q194 **Chair:** You have made recommendations to the production team that a particular story should not be broadcast?

Graham Stanier: Yes.

Q195 **Chair:** Mr McLennan, do you know that you have acted on that advice?

Tom McLennan: Yes, 100%, I can say—

Q196 **Chair:** I know you are saying that it is the policy that you would do, but I am asking specifically.

Tom McLennan: Yes.

Q197 **Chair:** You believe you have not broadcast stories because Mr Stanier recommended not to?

Tom McLennan: Not 100%. If Graham said to me—

Q198 **Chair:** That is "if", but did he?

Tom McLennan: I am saying, absolutely, Graham has said to me that a story should not be broadcast and I have stopped it from being broadcast.

Q199 **Chair:** The contestant—no, not the contestant, but I suppose it is a contestant because it is an entertainment programme—or the member of the public who is on the show has no right to request that footage is—

Tom McLennan: No, but we can definitely—

Q200 **Chair:** They have signed away all rights they have when they take part in the show?

Tom McLennan: We can give you plenty of examples recently and further back when we have stopped broadcasting certain stories for those reasons.

Q201 **Paul Farrelly:** I have great respect for ITV and many of the people who work there and the job it does, but my reaction when this was cancelled was, "Good riddance", quite frankly. I have come across this programme only two or three times. I was having my hair cut years ago in Clerkenwell and the barber used to have it on incessantly. I could not change the channel so I changed my barber. It is a form of trash television and predatory programming brought in from the US. The people involved in making it should be ashamed of themselves. Ironically, as we sit here, it was two former politicians, Jerry Springer and Robert



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Kilroy-Silk, who debased themselves in fuelling the genre. This is not before time, as far as I am concerned.

Brendan has covered most of the additional questions I was going to ask of Mr Stanier. I must say, not having seen the programme, that I was quite shocked by the clip we saw. Despite the unreliability of lie detector tests, which is widely acknowledged, the presenter was in people's faces and saying, "This test says you are a liar". They take that as a lie, yet you, Mr McLennan, rather like a salesman of dodgy products, were pointing to the small print that was on the screen—but not available to the contestant or guest—to justify that behaviour. How would you view that comparison?

Tom McLennan: I completely disagree. As I said earlier, it is about informed consent, for me. We could not have been more clear with the guests who applied to come on the show. Not only had they been viewers of the show so they absolutely knew the content, but we were making it very clear to them about the accuracy of the lie detector before they travelled to Manchester where we film, before they took the lie detector and before they appeared on the show. On top of that, we made it very clear to the viewer—I repeat—that, "The lie detector is designed to indicate whether someone is being deceptive. Practitioners claim its results have a high level of accuracy, although this is disputed". It was very important to us that everybody was informed, from the contributor to the viewer.

Q202 **Paul Farrelly:** That is clearly, as people have pointed out, not reflected in the behaviour of the presenter on a programme of which you are executive producer. I have been on this Committee for 14 years now and we have had some characters in front of us. I must say your attempts at justification put you in a sad category of your own, as far as I am concerned.

Mr Stanier, you are registered with—and I have just looked it up; I am not familiar with it—the UK Council for Psychotherapy?

Graham Stanier: Yes.

Q203 **Paul Farrelly:** That is correct. I do not know the organisation. Your description of your role as a medical professional, to use a broad category, is rather analogous to somebody from the medical profession watching a dangerous driver using behaviour like that and saying, "It is not my role to ask the driver to slow down or to take the foot off the accelerator. My job is to put people on a stretcher afterwards". That is a strange view of a professional's duties.

Graham Stanier: I do believe people have choice and they make a choice to go on the show. It is about making sure they are fully informed and that is not just by production. It is part of the process that we do that as well. Then it is a continuous assessment and, throughout that assessment, we are constantly saying to them, "We are guest welfare. We are here to support you. We are the team that you need to support you". We will do that all the way down to the studios when we take them



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to the studios and then inform them, "If at any point you feel uncomfortable, please leave the stage. We are going to be here waiting for you". We are just working with the guest constantly.

I will just go back to the point that I believe the presenter, his style and his language is something that is part of the production team and not part of guest welfare. Of course, his language on here, that black and white language, "You're a liar", is not something I would use. It is not the language I would use.

Q204 **Paul Farrelly:** Going back to Mr O'Hara's points, you seem to be a professional voyeur of car crashes. It is your job just to put the bones back together afterwards. Do you agree with that?

Graham Stanier: You have to look at it. Do you want a guest welfare programme on "The Jeremy Kyle Show" or not? Somebody has to do that job. I am quite happy to do that job. I like looking after people. I like treating people. I like the aftercare programme I have created for them, sending people off to mediation, sending people off to rehab, sending people off for relationship counselling or for counselling. I have been afforded a great budget to help people. Yes, it is not just the bit on the stage. It is what happens in aftercare. I have been afforded opportunities to help an enormous amount of people.

Q205 **Paul Farrelly:** And to be paid a lot of money out of that great budget, no doubt.

Tom McLennan: Can I just add that this year alone we have put 13 people through rehab? They have been in there three months at a time. We have spent 122 hours of paid counselling for mediation and anger management and approximately 95 per year are referred to free services. I know when you see clips on YouTube or clips at the hairdresser in isolation that it probably does not feel like it, but the reason we really wanted to come here today was to make it very clear. We know the show is controversial, but we do take our duty of care very seriously at the beginning, middle and end.

Q206 **Paul Farrelly:** Just as a matter of curiosity, how big is the budget that you are given?

Graham Stanier: I was never ever aware of a budget, but whatever—

Tom McLennan: When you say "budget", I have never ever said to Graham at any point that he could not do something because of money. We have just always agreed.

Graham Stanier: I make a request and then it is over to—

Q207 **Paul Farrelly:** Clearly, the limitations of your role are pretty much self-imposed, quite frankly, and have been quite evident through the answers here. Could I just finish by asking one question? Sometimes what is the best advice to give a patient who comes home and is distraught that they have tested positive for HIV, medically, in your experience?

Graham Stanier: What is the best advice?



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Paul Farrelly: Yes. What can be some of the best advice to give someone who is distraught because they have tested positive for HIV? It is often to go back and have another test because of the false positives. When people failed lie detector tests, did you ever advise the programme that perhaps they were so distraught that they might just take them again?

Graham Stanier: No, I did not advise that.

Q208 **Paul Farrelly:** You did not ever?

Graham Stanier: No.

Paul Farrelly: Okay. Enough said.

Q209 **Julian Knight:** Mr Stanier, you said earlier that you were saying to participants that should they become particularly distressed or under pressure, they should just walk off the stage. That is correct, isn't it? Is that what you said earlier on?

Graham Stanier: After the show?

Julian Knight: In the show. You told Mr O'Hara, I believe, that you often said before they went on air, "If you find it too much, just walk off".

Graham Stanier: Yes, just walk off.

Q210 **Julian Knight:** Okay. Mr McLennan, when they walk off stage, they are still on camera, aren't they?

Tom McLennan: Yes.

Q211 **Julian Knight:** They are sitting there and you, Mr Stanier, say these people are then met by aftercare specialists. These people have a clipboard and an earpiece. The earpiece is sent to the gallery, is it not, Mr McLennan?

Tom McLennan: It is slightly different on "The Jeremy Kyle Show". You are absolutely right, a talkback position would normally be in the gallery. In this instance with "The Jeremy Kyle Show", we actually—

Q212 **Julian Knight:** The point is, Mr McLennan, you are in touch with them. That is correct, is it not?

Tom McLennan: Yes, but we were on the floor, so—

Q213 **Julian Knight:** No, that is fine. That is good. You are in touch with them. You are saying to these people, basically, "If you are really distressed, just walk off. It is okay". Then they are put with a member of your production team and become part of the entertainment once again. They are still on camera. You are instructing your individuals to keep them on camera. You will be basically asking them to place them on camera and keep them on camera. What you are doing is, in a moment of distress, when you have said to them, "A way out", you, Mr McLennan, are there creating an environment to further exploit that stress at the sides. That is correct, isn't it?

Tom McLennan: I do not agree with the word "exploit". Every—



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Q214 **Julian Knight:** They are part of the entertainment. There is no privacy. There is no space. This is not a get-out. This is a means by which to create greater tension and greater drama on the show. They go offstage and then you further exploit them as part of the entertainment. They are distressed. They have signalled to you to stop. They have said to you, "I need to get off", because Mr Stanier has advised them of that. But instead of allowing them off the stage, allowing them peace and privacy to regather their thoughts, you, Mr McLennan, have constructed a production that allows them to be exploited further and to remain part of the entertainment, when Mr Stanier has told them that by doing this they will not be part of the entertainment.

Tom McLennan: I do not agree with the word "exploit". Like I said, everybody was completely fully informed of the show. They had viewed it for many years—

Q215 **Julian Knight:** They are cognisant of TV production standards, are they, and how a TV station works?

Tom McLennan: As I was trying to explain earlier with the talkback position, the reason that was on the floor was because, at any point, a producer or an aftercare person like Graham could come over and talk to the person in talkback and we could show to break. There were lots of things we could do.

Q216 **Julian Knight:** From the only views I have ever had of it—and I have looked on YouTube and so on—basically, it is a moment of drama. They storm off stage. They are stopped by a person with a clipboard and a microphone in their ear. They are kept on camera and they then stay there and maybe your production person talks to them and so on. All the while, they are distressed. When they think they are achieving a safer space, their distress is there for people's entertainment.

Tom McLennan: Like I say, they would have watched the show. That is something that would happen on the show. It comes back to informed consent for me. But we are talking about the beginning, middle and end of aftercare and, even in those moments when tensions were high, there were members of Graham's team with them.

Q217 **Julian Knight:** Okay, but they are on camera. Members of Mr Stanier's team may be there, but they are on camera.

Tom McLennan: That is why we say that at the beginning, during and afterwards. This was during.

Q218 **Julian Knight:** They thought they were out, Mr McLennan, but they were still on camera. That is the fact, is it not? Let us have a think back to the original clip we saw. We saw an extremely distressed woman. Potentially, her life was being ruined by cod science with all the veracity of the toss of a coin. In that respect, at that very moment I was struck by the vulnerability of that woman and the fact that many of your participants are couples.

How certain are you and what checks are made to ensure that female



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participants in a relationship—or anyone in a relationship—are not being coerced to go on your programme? Do you, for example, interview them separately?

Tom McLennan: Through the process, we would have talked to the individuals separately on the phone. We would have taken lots of notes from them so that we knew exactly what they wanted to say. One of the reasons for that was we wanted to absolutely make sure they got out everything they want to say on the programme because it was only a short period of time, sometimes only 10 or 15 minutes. We would have those conversations with them the night before. On the day, we would separate them and we would go back through the notes with them and we would make sure they completely understood everything they had told us and make sure they were pre-interviewed before they went on the show so they were fully informed.

Q219 **Julian Knight:** Is there a danger here that you are facilitating a form of emotional violence?

Graham Stanier: I can answer that question. Once we do a face-to-face and they are in individual rooms, we will ask that question about whether they are being coerced or are being put under any pressure to do the show.

Q220 **Julian Knight:** You just say, “Are you under pressure?” Do you embellish that in any way? Do you ask about a particular situation? Presumably, it is one person who has contacted you.

Graham Stanier: It is. Once they arrive at the studios, they are then allocated individual rooms, and then you will always do a face-to-face check with them that morning before they go to the studio. It is important we do because often the evaluations are probably being overheard by somebody, if it is a telephone conversation, but you do have to make sure they feel safe and that they have not been put under pressure or coerced to come to the show. You really want to know that it is something they want to do.

Q221 **Julian Knight:** What about the interplay between different relationships? My concerns are that there may be very vulnerable women who are presented with a suspicion by their partner that they have been unfaithful and so on, as we saw in that clip. That suspicion is then aired in public and this is deeply emotionally and reputationally damaging and, also, as part of potentially a more abusive relationship.

Graham Stanier: I agree. I totally agree.

Q222 **Julian Knight:** What safeguards do you have that this is not part of a more abusive relationship and that you are not a part of a process of abuse?

Graham Stanier: I am totally aware of those concerns and it is part of that process. We do talk to people separately when they are on their own because you really want to establish they have not been put under pressure or coerced to do a test to prove fidelity. You want to exclude at



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all costs that there have been physical altercations in that relationship or violence in that relationship.

Another additional check that we will carry out is what we call source checking. As part of the whole process, we will speak to two people who have been nominated by the guest and make that line of inquiry about whether they are aware of any issues within that relationship and whether there has been any violence within that relationship. Again, we are trying to check on those issues constantly.

Q223 **Julian Knight:** What do you do when you discover there has been violence in the relationship?

Graham Stanier: It would be over. It would not happen.

Q224 **Julian Knight:** Is that where your duty of care ends, effectively?

Graham Stanier: No, absolutely not. If we speak to somebody and they are declined to come on the show, it absolutely does not end there at all. It could be any situation. Some people are not engaging with NHS services. You would encourage them to do that. If people are in relationships and it has been disclosed that they may be a victim of domestic violence, of course we need to reassure them that there are agencies out there that can help and support them.

Yes, absolutely, when we decline somebody and say, "It is not possible for you to participate", for whatever reasons, it is not an end point for us. We do have to put them into whatever service they would find helpful.

Q225 **Julian Knight:** When you say, "Put them into whatever service", what does that entail?

Graham Stanier: If you identified when somebody was on the phone that they had depression, you would recommend they went to see their GP and have the GP evaluate them—

Q226 **Julian Knight:** That is the sort of advice you would get from someone on the bus, frankly, rather than a trained medical practitioner. What do you do? If you discover that someone trying to come on to your show or if you discover afterwards that someone has been a victim of domestic violence, what do you do apart from saying, "Go and see your GP"?

Graham Stanier: No, I was talking about depression. If it is a victim of domestic violence, I am definitely going to advise them or one of the team is going to advise them to seek help from domestic violence units. It is important you do not just leave it. If you have identified that there is violence in that relationship, you need to progress that forward.

Q227 **Julian Knight:** Participants have been in touch with the Select Committee and they have told us that their impression was that there simply was not any aftercare. Why do you think they have said that, Mr McLennan?

Tom McLennan: It is very difficult for me to answer. The main reason I wanted to come today was to make sure that we expressed to you that we had a proper duty of care, that guest welfare was very important to



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us and that that extended before, during and after the show.

Q228 **Julian Knight:** That is not what your participants have said, though. They have said they do not feel as if there has been any aftercare.

Tom McLennan: I do not know who you are talking about so it is very difficult for me to comment, but that simply would not be the case.

Q229 **Julian Knight:** Mr Bellamy?

Julian Bellamy: It is very hard to answer, in fairness, in the abstract. Look, any time we are made aware of any concerns, it is something that we look into. I am certainly happy to look into any other concerns you may have or any of the participants' concerns.

I would echo again that I know how seriously duty of care is taken. I would also echo again my point about Ofcom and the amount of Ofcom complaints.

Q230 **Julian Knight:** Yes. We have concentrated on Mr McLennan and Mr Stanier. You have joined us for this hearing. In the few times you have spoken, you have fallen back on Ofcom. Frankly, most people do not know about Ofcom or have any idea about it whatsoever. I know it is one thing you may wish to fall back on, but here today it is not a particularly robust defence of your programme. The fact is that people who may, frankly, have many serious issues do not know where Ofcom is or do not go and complain to Ofcom. That is great but it is not a particular defence.

You just said how you are very happy. In fact, you said before how you are reassured by the duty of care and the aftercare that has happened. The letter to participants states the following, "If necessary, counselling sessions will be arranged, but of course it is completely up to you whether you want to take up any of this help".

To what proportion are participants offered counselling? Also, on what criteria for decisions is counselling based? Who do participants call? This does not sound like an open invitation. This sounds like, "If necessary", and, "Of course it is completely up to you whether you want to take up any of this help". It just sounds to me as though, frankly, it is there. It is almost like giving someone a leaflet and, "Off you go". It does not seem to me, frankly, that this is anywhere near robust enough for ITV Studios to have its name associated with.

Julian Bellamy: I do not think that is right. I, again, know first-hand from seeing Graham and the team at work that they have a very robust set of duty of care procedures. Graham can talk probably more directly to the point you raise.

Tom McLennan: It is about why that was like that. Today we are talking about the conflict resolution parts, but quite often we would do reunion parts. If somebody was being reunited with their long-lost father whom they had not seen for 20 years, they would be very happy and potentially might not need counselling. It could not be a one fit for all. It had to be case by case.



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Q231 **Julian Knight:** You are comfortable leaving it entirely up to participants whether they are offered to take up counselling.

Tom McLennan: Sorry, it would be for Graham and his team to have that conversation with the participants. That is why they would always be seen before they left the studio.

Q232 **Julian Knight:** Is this not too hands off? Has the whole thing not been too hands off for many years? You have been appearing for 14 years now. Cultures do grow up. Do you recognise now that potentially the aftercare has been too hands off?

Tom McLennan: Like I said at the beginning, this is something we took seriously 14 years ago, but it is absolutely something that has evolved through time. We were still looking at it. It was still evolving. It was not just a process that had got old and not fit for service. It was something we were constantly refreshing and looking at.

Q233 **Julian Knight:** How had you refreshed it recently?

Tom McLennan: Like I said earlier, the in-house rehabs, which we now give to 13 people this year, is something we have brought in only in the last few years. We have taken them through two, three, four—

Q234 **Julian Knight:** When you say the last few years, how many years?

Tom McLennan: I am trying to think now. Probably three or four years.

Q235 **Julian Knight:** For one quarter of the time Jeremy Kyle has been on air, you have had 3,000 guests—

Tom McLennan: The checklists and everything we were refreshing and were looking at to see if they could be improved. Like I said, we were going through all the processes once again, even before the axing of the show. It is a really important point that it is not something we would have taken our eye off because that is not the case.

Q236 **Julian Knight:** A final question, Mr Stanier. Were referrals ever made to GPs or mental health services after sessions?

Graham Stanier: Referrals to GPs or mental health services, if and when required. Often, yes, we would certainly recommend for people to go and see GP services if we had concerns.

Q237 **Julian Knight:** Is that what you would term a “referral”—just a recommendation, effectively? Is that what you are saying?

Graham Stanier: It would depend. If you had concerns regarding someone’s mood level, you would discuss that with them. These people may not even go on the show. They may have just chaperoned somebody. We may have had a chat with them prior to the show. They may be people who have been declined but wanted to come to the show because they had friends coming to the show. If they had been declined because of low mood, obviously—this is what we do—we will refer them to GP services. We will express our concerns that they have low mood and then, “Go to your GP. Have your GP carry out an evaluation of your



mood". We are trying to engage people with services.

- Q238 **Julian Knight:** Okay. You are full of buzzwords but I do not really see any practical end point for that. You seem to be saying, "All right, off you go. There you are. You should be going to see a doctor". What does this result in? You talked about the idea of rehab before, but in terms of mental health and GP services, do you not take any further part than that? You have put these people on air and then you are taking—

Graham Stanier: These were people prior to air, sorry. After, we will see people. It is about a problem. It is about a solution. I suppose my focus is always, "What is the problem you bring?" Then, at the end of the show, we can do a needs assessment: "What is the solution I can provide for you?"

- Q239 **Clive Efford:** Can I just go back to the checklist? Somebody indicates that they want to go on the show, and there is an initial telephone conversation, and that is followed up with somebody from the production team ringing up, going through this checklist. Does everyone who indicates that they would like to go on the show get this follow-up call with this checklist?

Tom McLennan: Yes. Everyone who is going to appear on the show would go through this checklist, and then—

- Q240 **Clive Efford:** Yes, but does everyone who contacts the show following that initial conversation get called back to go through this checklist? Is everyone taken through this checklist who indicates they want to go on the show? Is there some sort of sift that goes on in the first phone call?

Tom McLennan: Since GDPR came in, I think this is something that we had to have certain scripts for. We would read this out to pretty much everybody who appeared on the show. That is my understanding.

- Q241 **Clive Efford:** There is no form of vetting process in the initial contact whatsoever—this is it; this is where it starts.

Tom McLennan: This is what they call the chasing. I think this has just been updated. It was going to be updated—

- Q242 **Clive Efford:** Can I just ask you very briefly about the question on page 3, which is about education? What type of school was it? What level of education reached? At the end in the box it has, "For official use only. Google the school". What are we looking for there?

Tom McLennan: I just want to make sure. We would only come to this bit and we would only get to that level of detail if this was seriously being considered to be on the show. We would maybe start filling it out, but then we would only get to that detail if it was going to be appearing on the show.

- Q243 **Clive Efford:** These are the questions that are being asked by the member of the production team on the telephone, so presumably they go through all these questions, do they?

Tom McLennan: They go through these questions, I think. They would



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speaking some of the script. They would hear what some of the story was like. We would obviously speak to them and find out the reason why they wanted to come on the show. We would then speak to the other person and find out if they would want to come on the show as well, and then we would start going through the checklist. It would be quite early stages that we would go through the checklist. We would probably get the understanding of both people wanting to appear on the show before we got to the checklist, to be completely clear.

Q244 **Clive Efford:** There would be quite a bit of to-ing and fro-ing between individuals before anyone is rung up and goes through this checklist?

Tom McLennan: Yes.

Q245 **Clive Efford:** There is some sort of sift before the checklist, then?

Tom McLennan: There would be a conversation, yes.

Clive Efford: Or conversations?

Tom McLennan: Yes.

Q246 **Clive Efford:** What are we looking for when we look for someone's school?

Tom McLennan: I think that would be for lots of different reasons. As somebody said earlier, this is why we talk to people who are related to the story, first to see if they are telling us the truth. If people are lying about their history or anything, those would obviously be red flags. Also, if we looked up the school and it would be a school for potentially special needs, then that would be a red flag to us.

Q247 **Clive Efford:** We are not looking at targeting people from different types of schools.

Tom McLennan: No. If something came up that it was in—

Clive Efford: Me from a comprehensive would be very welcome on your programme.

Tom McLennan: If it came up and it was a school of special needs, then obviously that would be a red flag and something we would want to look into more, but that would not be an exclusion. It would be something that we would want to look into more.

Q248 **Clive Efford:** There is also a question on here where you indicate to someone that they should check people's social media history. What are you looking for there?

Tom McLennan: That is again to verify the story. The show was a tabloid show, and it was important for us to make sure that everybody who came on the show was telling us the truth. Very occasionally people would try to come on the show and make up a story. One good thing about social media is if we went back, normally you could see if what they were telling us was the truth.

Q249 **Clive Efford:** Are we looking for people with problems when we look on



social media?

Tom McLennan: They would have already called us with a problem, so the problem is pre-existing, and then we would go back and verify that.

Q250 **Clive Efford:** When we go through this checklist, there are quite a few references to if the answer is yes on violence, on drugs, on various aspects—psychology, counselling, social worker, any disorders like eating disorders, OCD and so on. Against all these ones it says, “Refer to the aftercare team”. If this is prior to being selected to participate in the show, is referring to the aftercare team code for, “This person should go on the show”?

Tom McLennan: No. I think we made that very clear. This is the number one reason why we wanted to be so open with you and talk about it. I know that people, when they see the show, would sometimes think it was controversial and everything else, but the duty of care was incredibly important to us. I cannot stress that enough. We put these procedures in place, and why so many people did not end up on the show is because we could not have taken this more seriously.

Q251 **Clive Efford:** There is not a disproportionate number of people who are referred to the aftercare team at this stage of the checklist who appear on the show, for instance?

Tom McLennan: No. Graham might disagree. I would say over the years, because the systems and procedures were tightened and got stronger and stronger, there probably were not many people or many stories that at some point did not get referred to aftercare, and then every single person had a face-to-face before the recording started.

Q252 **Clive Efford:** What I am starting to get at is: is there a disproportionate number of people who at this stage of going through this checklist are referred to aftercare that end up going on the show?

Tom McLennan: It is case by case. The whole thing is set up for case by case. Depending on the reason, it is why it would then go to aftercare for them to assess if that person should then appear on the show. It really was case by case.

Q253 **Clive Efford:** If we go through this checklist, if an individual or a couple of individuals are not referred to aftercare, you still consider them to go on the show?

Tom McLennan: If they did not get referred to aftercare and they got through the whole checklist without any flags whatsoever, then they would be free to travel to come to the show, but they would still have a face-to-face when they got to the studio.

Q254 **Clive Efford:** Given some of the issues that are listed here—autism, schizophrenia, ADHD—that are referred to aftercare, it is quite concerning that once you have identified those needs, you might still consider this person for the sort of programme we saw at the start of this question session.



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Graham Stanier: You have to consider then their level of participation. It might be a desire for them to be part of a show, but if there are certain disclosures, and once you have carried out the assessment then you clearly need to reduce the level of participation, then that is what we would recommend to production. For instance, you can reduce the level of participation to the point of giving a statement, maybe a video statement, sitting in a room quietly and having a private interview with the presenter. You can effectively reduce their level of participation.

Tom McLennan: Again, at that point, I would like to say that if Graham said to us, "Okay, that person cannot appear on the show, but we would be happy for them to provide a statement", then that person would not appear to be on the show to be recorded, but as long as they agreed, they would then give us a statement.

Q255 **Clive Efford:** My last question: in your professional capacity you have seen comments from Mind that the programme should prioritise people's needs over the desire to make the programme. Are you comfortable with being involved in this programme?

Graham Stanier: I would definitely reduce people's level of participation in most cases to providing a statement only.

Q256 **Giles Watling:** I would like to come to the area of content—what we used to call footage in the old days. There is a wonderful quotation here from the Social Inequalities Research Centre at Lancaster University, which says, "The power of editing is unbelievable. A sentence constructed of two sentences said 20 minutes apart sounds and looks like it was one sentence." You record the programmes and you, therefore, do go through some form of editing. Do the contributors have any idea or understanding of the power of editing?

Tom McLennan: Yes. It was interesting with "The Jeremy Kyle Show". A normal ITV hour would be 45 minutes. "The Jeremy Kyle Show" was 50 minutes. We almost recorded as live. For a 50-minute show, quite often we would record 53, 54 or 55 minutes, and then we would take those minutes out. For other daytime shows, as you would be fully aware, you could record hours and hours and take it down to that amount. To only lose three or four minutes, really what you saw on the show was what happened on the day. The reason that we would take those minutes down is just because we had to get it to a certain amount of time for television, plus if there were certain things that were not appropriate for a morning slot, like swearing or anything else, then we would be able to take those out.

Q257 **Giles Watling:** As we know, editing is a very powerful tool, and you can make somebody who is telling the truth look like a liar, and somebody who is a liar look like they are as innocent as an angel. Do you ever use that? Do you ever use camera angles or anything like that to point up a certain angle that you, from the production team, might like to make?

Tom McLennan: Like I said, it was recorded as almost live with just a few minutes taken out. We were not changing particularly camera angles



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in the end or anything else. What people watched at home was what people were watching in the studio.

Q258 **Giles Watling:** I accept that. Are the contributors fully aware of how the programme will use the content? How do you inform them? How do you tell them?

Tom McLennan: Yes. As part of the informed consent and through all the conversations we had, people were aware that the show would obviously be used in the morning, but the show would be repeated as well. If there was a long period of time after the first transmission, we would then call them back up and ask them if they minded it being repeated again. If the show was used within "best of" episodes, we would call them up and ask if they minded their participation being put in that as well.

Q259 **Giles Watling:** Do they regularly deny you that permission?

Tom McLennan: Some would because their lives had moved on. The problem that they came on the show with, potentially a year or two years later, had moved on, and they would not want to be included, let's say, in a "best of" show, and we would honour that. Plus, if they contacted us and had a good reason for us to not carry on repeating the programme, obviously it would be case by case, but we would look at that, too.

Q260 **Giles Watling:** Thank you. Fundamentally, they are aware that this content that is shot is there forever, potentially, and you could use it if you chose?

Tom McLennan: Yes. Obviously, the contracts and everything said that, and what we were discussing earlier, but in the real world it was far more fluid than that.

Q261 **Giles Watling:** As part of the contract, the guests receive a special category data notice, which is about ethnicity, health, business affairs, health and safety compliance, aftercare. First of all, do the contributors understand what that means? I am maybe not the brightest man, but when I read these contracts I find them heavy going. Is it made clear to your contributors exactly what this wording means and what it will mean in the future?

Tom McLennan: This question came up slightly earlier and it is a difficult one to answer. Obviously, we had to put that information in, particularly with the rules changing. That was not put in by production. It was lawyers and business affairs. We tried to explain over a period of time instead of just the contract, but we would go through the contract with the contributors as well.

Q262 **Giles Watling:** Do you sit down in a room with them and take them through it, clause by clause?

Tom McLennan: Yes, we would go through the contract with them. In hindsight—I have been going through the forms in the last few days—I wonder if there are some lessons to be learned, and potentially we could soften some of the language going forward, if I am honest.



Q263 **Giles Watling:** That is good to hear. How long do you keep the data?

Tom McLennan: That has changed again recently, so I would need to find out. As you are aware with GDPR, everything has changed in the last few months. I cannot give you an exact answer at the moment but I can supply that to you.

Q264 **Giles Watling:** That would be very good. Thank you very much. Finally, do you think that contestants or contributors should have greater power over their content?

Tom McLennan: Do you mean as in the editing?

Q265 **Giles Watling:** Is it possible, or is it something that you would consider doing to allow a contributor to see what goes on in the editing suite? Would you allow them to see an edited, finished programme?

Tom McLennan: I think that would be very difficult in the real world. I can see why you are asking it, but I think you are almost offering editorial control to the contributor and I am not sure how that would work in a real-world setting.

Q266 **Giles Watling:** Do you feel that they might say, "This programme cannot go out"? Do you think that might be one of the results?

Tom McLennan: I just think it would be very, very difficult and I am not sure if it would technically be possible.

Q267 **Giles Watling:** Surely the resources could be put there, Mr Bellamy, could they not?

Julian Bellamy: I do not think it is a question of resources. For me there is certainly a question of some practicalities, but more fundamentally I think the system works well in terms of informed consent, making sure that people are then fairly and accurately represented in the show. I would worry about ensuring that producers must always have editorial control to tell a story in a fair and accurate way as they see it.

Q268 **Giles Watling:** There is the issue that, quite simply, if one does an interview and then looks back at it afterwards, one thinks, "My gosh, it shouldn't go out like that. This is dreadful". You would like to be able to have some sort of power over how it goes out. As you are dealing with people quite often at a very delicate stage in their lives, do you not think that they should have some more control over what you finally broadcast?

Julian Bellamy: Not if they are fully and properly informed about what they are participating in. We are obviously operating in a very tightly regulated industry, certainly in comparison to newspapers and the internet and so on. I frankly do not personally see the need, though I do think there are some practical issues with that as well.

Q269 **Jo Stevens:** I just have one question. Mr McLennan, you just said about how you sit the contributors down to take them through the contract and you go through it with them. At any point do you advise them to go and get free, fair and impartial legal advice on what you are requiring them to



sign?

Julian Bellamy: No, we have not.

Q270 **Brendan O'Hara:** Just one further question on something I picked up in the language you were using about going forward, coupled with the rumours that this could be making a comeback. Do you have any plans whatsoever to bring this show back in any format with Mr Kyle as a presenter?

Julian Bellamy: No. Just being very direct with you, there are absolutely no plans, and we will not be bringing back a show that looks or feels like "The Jeremy Kyle Show".

Q271 **Brendan O'Hara:** You do not rule out working with Mr Kyle in the future?

Julian Bellamy: The network and ITV have been very open and transparent about that. Jeremy Kyle has been involved in all sorts of programmes, from "Good Morning" to "The Kyle Files". Yes, we would be looking to work with him in the future.

Q272 **Brendan O'Hara:** But nothing that remotely resembles what we know as "The Jeremy Kyle Show".

Julian Bellamy: Correct.

Tom McLennan: We will not be making another conflict resolution show.

Chair: Thank you very much. I think that concludes the questions we have for you today. We appreciate your time and we will move on to the second panel. Thank you.

Examination of witnesses

Witnesses: Dame Carolyn McCall, Sir Peter Bazalgette and Chris Wissun.

Q273 **Chair:** Thank you very much for joining us today. We appreciate your time and apologise for the lengthy run of the first panel. We are starting slightly later than we had planned. We do have one or two members of the Committee who are rejoining us, but I think we will make a start now in the interests of time.

Dame Carolyn McCall and Sir Peter Bazalgette, you head up ITV; you are responsible for ITV. Were you surprised by some of the things you heard this morning? Did you have the chance to watch the first witness panel?

Dame Carolyn McCall: We had a chance to watch some of it, not all of it. We have been waiting outside for a little while. I do not think I am surprised by the responses necessarily. I think that they tried very hard to outline to you what the processes were, what the duty of care was, how they dealt with applicants and then contributors, and they talked quite a lot about the procedures of the show. That is what it is. That is



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the show.

Q274 **Chair:** I suppose the question for us is: do you feel that those standards were adequate?

Dame Carolyn McCall: We did an internal review, as you know. When we suspended the show on 12 May—it was announced on 13 May—we initiated an internal review. That review was really about the one episode; we cancelled the show subsequently after that, but the internal review had not started yet. That was really about the processes that were being used on the show and whether they were being applied on the show. That was what the internal review was about. The conclusion of that review was that the processes existed, they were detailed processes and they were followed.

Q275 **Chair:** For example, do you think it is adequate that the production arm of the programme does not know how accurate the lie detector tests are?

Dame Carolyn McCall: I think what they were conveying was that they made it very, very clear that lie detector tests are not 100% accurate, as you heard repeatedly. The two examiners that we use—I completely concur with what they said—if you look on their websites, they say that the lie detector test, in their view, has an accuracy in the 90s. We have chosen never to put that on the show because of the range. The range is always disputed. Whether you look at the professor on the programme or whether you look at our own examiners that we used—it is an independent company—there is quite a range of anything from 60%, as you mentioned, to 95%, as they have mentioned. They have put that. It is a matter of public record because they have that on their website.

What the production team were trying to convey is that they did not use the range. They did not use those statistics because they were in dispute. There was a complete understanding that lie detector tests are not 100% accurate. They tried very, very hard, I believe, to tell every contributor that. I think you heard Graham Stanier's view of how he would deal with that in very normal language. Rather than using statistics, he would talk about the fact that you could be telling the truth but the lie detector test will say you are lying. That was talking to people on a one-to-one basis to explain.

They also used to go through with participants the worst consequences of a lie detector test. They would talk to participants about how they would feel and what they would think if the lie detector test went against them. From that point of view, I think what the team were trying to convey was they did not want to put a statistic on it because the statistic would be wrong because it is so disputed. Their way of dealing with that was to say, "It is not 100% accurate," and then to deal with that face to face with the individual participants to explain that.

Q276 **Chair:** I have looked on the website of the company that provides it, and what it says on the website is exactly what the production team says to the people, which is, "It is not 100%". I did not see a figure in the 90s. It just says, "It is not 100%". As we talked about earlier, I think that



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statistic is meaningless because 50% is not 100%, 40% is not 100%. My question and my concern here is I cannot see how someone can give informed consent to take part in a lie detector test when they have no idea of how accurate it is or even what the range of accuracy is for that test.

Dame Carolyn McCall: Chris can come in here as Director of Compliance. Both of those examiners would say that their accuracy was in the 90s. We never chose to reflect that exact figure because we know that that would be disputed by somebody else. I genuinely think that it is possibly disingenuous to say to people either that this was going to be accurate in the 90s or 70% or 80% because none of us knows. There are many different opinions.

What I can say to you is that they went through processes to try to explain the lie detector test and why it was not 100% accurate. Indeed, we have now cancelled the show, as you know, and I will say that we will not commission a show in the future in this way, in this format, using lie detector tests for the very reason you have just highlighted, which is the range depends on who you talk to.

Q277 **Chair:** I find your answer slightly puzzling because on one hand you are saying they have done nothing wrong, while on the other hand you are saying, "We are never going to do that again".

Dame Carolyn McCall: I am saying that they have not done anything wrong because they have explained that lie detector tests are not 100% accurate. You may have a strong view that that should not be used. You may have a view that they should not be used in formats.

Q278 **Chair:** In all honesty, the strong view I have is that we are dealing with really vulnerable people in a setting they are not used to, being told that this process is accurate, and it has been presented in the programme as accurate. Jeremy Kyle gives no ambiguity in the way he presents the results. No one is ever given the chance to have a retest—that was not offered to them. They do not have the right to stop the broadcast of the footage or the test if they are uncomfortable with the result; they have no rights to do that at all. The test is not even done particularly in a controlled environment. It is just done in a room at MediaCity by people who do not particularly have any medical qualifications.

Chris Wissun: If I can assist at all, Chair, the test is done in a hotel room adjacent to the studios.

Q279 **Chair:** The Holiday Inn at MediaCity, is that where it is done?

Chris Wissun: You might be right. I think it might well be there.

Q280 **Chair:** Is that a controlled medical environment?

Chris Wissun: It is a quiet place to conduct the test.

Q281 **Chair:** Done on the morning of the show. Someone is doing a lie detector test. It is not something they have probably done before. They might feel a bit under pressure. They had a night away somewhere that is not their



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home. They are taken to a room to do this test. They will get the results shortly. It will be on television. They have probably not been on television before. That is probably quite a nerve-wracking experience. Do you think that is the best environment to take a lie detector test?

Chris Wissun: It was generally done either the day before or on the morning, that is true. All I would say is that the actual polygraph examiners themselves would take each guest through quite a detailed explanation of the test, so an explanation of just how it worked in terms of the physiological changes that it was looking to capture and how they then ascertained the result, whether or not somebody was being truthful or deceptive.

Q282 **Chair:** The thing is with these tests—I have not heard anything today that convinces me otherwise—is that most doctors or nurses who take blood pressure readings would say you do not base it on one reading. You base it on several. Some person who may not see a doctor regularly might feel a bit nervous about it and might give a high reading, and on another day it is fine. I would imagine someone taking a lie detector test is in the same position.

This machine is not reading whether you are telling the truth or not, using special powers. It is reading your heart rate; it is reading your perspiration levels. I think, for someone in a pressurised environment, it may not give an accurate reading. The readings that were given of about 60% accuracy and so on were based on it being done in a controlled medical environment, not being done in a hotel room at the Holiday Inn in MediaCity the day you go on telly. This is so important because a lot of the premise of the show rests on it. The reason we are in this room is because of the lie detector test. That is why I think it is so important.

Dame Carolyn McCall: What I would simply say to that is they did work hard to explain the lie detector test to anybody that would go on the show. They did use two examiners. There was not always only one test. Sometimes both examiners would do a lie detector test on the same person. Everyone who appeared on the show did watch the show and did understand that in many, many episodes of "The Jeremy Kyle Show", as you rightly say, the lie detector test was used.

Q283 **Chair:** I do not think what they were told about the lie detector test fairly reflects the nature of the test and the accuracy of it, and I think it is interesting that no one had the right to have a retest. No one had the right to stop the results of the test being broadcast.

Dame Carolyn McCall: I think Tom did say this: if someone asked for something not to be broadcast, we would take that on a case-by-case basis.

Q284 **Chair:** Only on medical advice. That would be on medical grounds, and we still do not know how many times that happened. They could not answer that question, but we will be interested in that answer.

Dame Carolyn McCall: No. They are going to come back to you on that.



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Q285 **Chair:** Only on medical grounds. If someone said, "I feel this test is a lie" or, "I know it is a lie. I do not feel I really knew about the accuracy of the test before I did it. I am not happy with it. I do not want that going on air," the answer would be, "Sorry. You signed away your rights, and you have no right to have a retest either." I am not sure that is a position to put vulnerable people in.

Chris Wissun: I understand the point you are making, Chair. All I would say is I think most people who applied to take part in the show and specifically asked for a lie detector believed they wanted it because they wanted an answer to an uncertainty in their relationship or in some family dispute.

Dame Carolyn McCall: Just on the purpose of the show, which I know has been a matter of some discussion in the previous panel, the intention of the lie detector from the producers of the show was for people to be honest with each other, so that it generated honesty and an outcome. The aim of the show was to have some kind of positive outcome, some kind of reconciliation. That did not always happen. It did happen in many cases.

Q286 **Chair:** I think one of the reasons why people were asked about their knowledge of the show and Jeremy Kyle's style was because Jeremy Kyle's style had a big impact. I think some of the members of the first panel even called it the "conflict" part of the show, where Jeremy Kyle is being deliberately confrontational. He is engaging people in conflict.

What was very interesting as well was when we were told that people were advised that if they were uncomfortable they could walk off the set. Filming carried on. They were not stopping filming. They were just being filmed in a corridor rather than on the set itself.

Dame Carolyn McCall: Yes. Whether you like the show or not—and I think many people liked the show—that was the format of the show, and I think the audience understood that. Often the participants were in the audience and did understand the format of the show.

Q287 **Chair:** Even if people have watched the show, they may not really have understood what they were getting themselves into until they were in it. Was this responsible? Was this show an accident waiting to happen?

Sir Peter Bazalgette: Chair, one of the first questions you asked was about informed consent. I do think it is relevant that people were asked whether they had seen the show. Everybody had seen the show. The show was very well known. They knew what was involved. They knew the direct style of the presenter, they knew how he deployed the results of the lie detectors tests, and they had seen the effect on the people taking part. They had seen sometimes it resolved conflicts, sometimes it did not. They knew all that. I think that does contribute to informed consent.

Q288 **Chair:** Carolyn McCall, there was an e-mail you sent to ITV staff that was published by BuzzFeed the day after you sent it, and you sent this e-mail at a time when the show had been suspended and not yet cancelled. It



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was only I think about a 24-hour period between those two decisions being made.

Dame Carolyn McCall: Forty-eight.

Chair: In that, you say that the decision to suspend the show was, and I quote, "Not in any way a reflection on the show, but the best way we think we can protect the show and the production team from the reaction we expect to this death." What did you mean by that?

Dame Carolyn McCall: That was an internal e-mail and it was directed at the production staff closely involved with "The Jeremy Kyle Show" and the wider production staff. I would say that everybody at ITV was extremely sorry to have heard that someone who had appeared on the show had died in quite close proximity to appearing on the show.

Suspending the show created shockwaves in the production team. It had never happened before—it was unprecedented. I was trying to say to them, "We are going to go through this calmly and in a measured way. We are doing an internal investigation, but doing an investigation internally is the way to protect you all as individuals." That is what I meant by that.

Q289 **Chair:** Did you not think it slightly pre-empted the internal review to say that the decision to suspend was not in any way a reflection on the show?

Dame Carolyn McCall: What I was saying was that the internal investigation was looking at one episode of the show. We were not looking at the whole "Jeremy Kyle Show" over 14 and a half years. That is what I meant by that. You cannot say to a production team that it is a reflection of everything you do every day and that you have been doing for 14 years. It was an internal e-mail sent to specific individuals who were working at the sharp end on production. They were harassed by the media. Many, many, many of them were phoned, door-stepped, talked to. It has been a very difficult time for people who worked on that show.

Q290 **Chair:** The decision to cancel the show that was taken about 24 hours or so after this e-mail was sent—

Dame Carolyn McCall: Forty-eight hours.

Q291 **Chair:** Forty-eight. Was that a reflection on the show?

Dame Carolyn McCall: A number of factors on that episode made it untenable for the show to continue.

Q292 **Chair:** So it was a reflection on the show? The decision to cancel is a reflection on the show?

Dame Carolyn McCall: It was certainly a reflection on that episode, yes.

Q293 **Chair:** I have to say, given that you are saying that you are not going to bring the format back and not going to have programmes with lie detector tests in anymore—

Dame Carolyn McCall: I said we will not use it in that way, in that format, no. We will not commission a show with that.



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Q294 **Chair:** You have to say that is a reflection on the show, is it not? In totality—

Dame Carolyn McCall: We have taken a decisive action. We have been very decisive about it. There were a number of factors involved that were specific to the episode. It included some letters, which have appeared in the media, the report of which appeared in the media, the proximity obviously being very serious to the show. We believe that was the right decision. That is what we have done. We have done an internal review. As I said, the processes have been followed, but we will learn from this and we will improve everything we do as a result of learning.

Q295 **Chair:** Given what you have said, I think the decision to cancel the show and not bring back that type of show again with Jeremy Kyle presenting it could only be seen as a reflection on the character of the show. If it was just about one episode, then you could learn the lessons from what went wrong in that one episode or maybe look at the team producing the show and say, “Maybe we need some different people making this happen.” You would not just cancel the whole thing unless your concern was there was a problem with the show and that problem was not going to go away.

Dame Carolyn McCall: As I said, it was not about the show in general. We took a decision based on one episode of the show. That is what we looked at and that is why we cancelled the show, and we believe it was the right decision because we looked at what we had. Things became clearer over 48 hours. There was no black and white there. It was a very difficult decision to cancel a show mid-production, but we believe it was the right decision.

Q296 **Chair:** Does ITV intend to work with Jeremy Kyle on any future programmes?

Dame Carolyn McCall: Jeremy Kyle does work for ITV and has worked for ITV on other programmes. What we have said is that we will continue to work with Jeremy Kyle but not in this format, not as a talk show, and we have not confirmed what that would be.

Q297 **Chair:** You are not going to do a conflict resolution show?

Dame Carolyn McCall: Not a talk show of this ilk in any way.

Q298 **Clive Efford:** Just to clarify, because I am in a state of disbelief that this entire show was cancelled just because of one episode. For instance, let us go back to the issue of lie detectors. Was the efficacy of lie detectors ever discussed at executive level? Did you ever really consider whether it was appropriate to continue to use such a defective testing system?

Dame Carolyn McCall: As part of our risk assessment of all our shows, we would obviously assess the shows on what was being used in the show. I can say the lie detector test specifically was not discussed at executive level.

Q299 **Clive Efford:** Were you aware of any concerns being raised about lie detector tests? Was that ever brought to your attention—the impact that



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these tests were having on people, and suspicions about the proven inaccuracy of them? That was never, ever raised with you?

Dame Carolyn McCall: No, that was not raised. The thing about lie detector tests, as we have discussed, is everybody knew that they were not 100% accurate and the range of accuracy is debatable. We all knew that and we believed that we covered that because of the process before, at screening and during face-to-face conversations with participants, and indeed at the front of the show we make it very clear. When the lie detector test is being used, we make it very clear that it is not 100% accurate. We have not had many participants complaining about the use of the lie detector. We have not had volumes of participants doing that. If they did, many of them would have written to Ofcom, and they did not, about the lie detector test.

It is worth bearing in mind a lot of people on this show had issues. Some may have been vulnerable, but many of them had real-life issues about relationships or problems with alcohol, whatever it might have been, and many of them wanted to do the lie detector test. What we had to make sure we did was go through our duty of care for that. No, there were not volumes of complaints about that specific issue, which is why it would not have come up at executive level.

Q300 **Clive Efford:** At the end of the day, the decision to go ahead with this show, when it was being made, is your decision. You satisfied yourselves that even though these people wanted to take the lie detector test, they were sufficiently warned about the inaccuracy of those lie detector tests, that you were happy that they continued to be used in those programmes?

Dame Carolyn McCall: I think as we have all said, we do believe the production team, the medical staff and Graham Stanier himself all worked very hard to explain what informed consent meant and explained what the lie detector test would entail, and the fact that it was not accurate. I do believe the production team worked hard to do that.

Q301 **Jo Stevens:** Ms McCall, you said earlier that the two companies that you use, the lie detector test companies, had advertised that the accuracy of their tests was about 95%.

Dame Carolyn McCall: I said in the 90s.

Q302 **Jo Stevens:** In the 90s. When did you become aware of that? You have just said to my colleague that you never discussed the lie detector tests at your level in the company.

Dame Carolyn McCall: Chris, as Director of Compliance, has been aware of that for some time.

Q303 **Jo Stevens:** When were you aware of it?

Dame Carolyn McCall: I was aware of that a few weeks ago.

Q304 **Jo Stevens:** A few weeks ago. You were aware of it, Mr Wissun, from when?



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Chris Wissun: The show has been running for 14 years. The particular examiners that the show has used essentially are the same team of examiners that have been used for most of that time. I was aware. I cannot tell you at what point I became aware, but I was aware that the examiners themselves would say that the tests were accurate into the 90s. Those examiners, I should say, are qualified and trained. They have American qualifications. Certainly, in the USA lie detectors are more widely used than they are in the UK, it is fair to say.

Q305 **Jo Stevens:** You have used the same company, you said, through the 14-year history of the programme. Were you aware at any point during that period of evidence from other companies and academics that the accuracy of lie detector tests is not as good as 95%?

Chris Wissun: No. What I was aware of was that there is a genuine debate about the level of accuracy, and obviously some people in the industry would say it is 95% and some might say it is less.

Q306 **Jo Stevens:** Did you ever, as a risk mitigation issue, think about going back and looking into that more or asking the companies that you use to verify their claim of 95%?

Chris Wissun: I do not recall that ever being discussed, no.

Q307 **Jo Stevens:** Earlier in your evidence you mentioned that the practitioners who administer the test to the member of the public did it in a hotel room, in the Holiday Inn I think it was. Did they tell the contributors, the members of the public, as they were administering the test that it was 95% accurate?

Chris Wissun: No. No, they would not—

Q308 **Jo Stevens:** They definitely did not? You know for a fact that they did not tell contestants that it was 95% accurate?

Chris Wissun: I am sure they did not.

Q309 **Jo Stevens:** Do you know that? They have told you it is 95% accurate.

Chris Wissun: Obviously I was not present for the thousands of times that a lie detector was administered so, no, I cannot say that.

Q310 **Jo Stevens:** They have told you that they are 95% accurate?

Chris Wissun: They have told me that they were always very clear with every guest that they made clear to the guest that it was not 100% accurate. It is fair to say that they would represent that it had a high level of accuracy but that, in other words, it was not fool-proof, that it was not 100%.

Dame Carolyn McCall: The producers of the show, if I may just add to that, were very clear that they did not use the figure of “in the 90s”, as you saw from the previous panel, because they would have mentioned it if they had. They used the figure, “It is not 100% accurate,” and that was what the show did.

Q311 **Jo Stevens:** When those tests were carried out in that hotel room, was



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there a member of ITV staff present in the room when those tests took place?

Chris Wissun: No. They took place—

Q312 **Jo Stevens:** You do not know what those people said to the contestants in those hotel rooms on any occasion, do you?

Chris Wissun: The tests were recorded, so it would be possible to ascertain exactly what was said. The reason it was recorded was primarily so that if a guest later was to query the way that the test had been administered or, for example, to say, "That is not right," or, "I wasn't asked that question," it would be possible to have a record to reassure them.

Q313 **Jo Stevens:** Did that ever happen?

Chris Wissun: I do not recall it ever did, no. I am not aware that it ever did. That was recorded by the company itself, if you like, for its own protection, because it did not want anyone to later say, "It did not go that way."

Q314 **Jo Stevens:** So I am clear, you were aware of the 95% claim, but you cannot say whether or not the practitioners who carry out the test made that claim to the members of the public who took the test in any of the tests that were carried out over that 14-year period?

Chris Wissun: I think the examiners would always have been very careful to make it clear that it was not 100% accurate.

Q315 **Jo Stevens:** You do not know that, do you? You cannot say that as a fact.

Chris Wissun: I have not reviewed the thousands of tests that were undertaken, no.

Jo Stevens: Thank you.

Q316 **Clive Efford:** Just one quick supplementary on what Jo was just asking. Given that you had that information about them, was legal advice about how to deal with the use of lie detector tests—for instance, the terminology used on the disclaimer that was on the screen—ever discussed by the executives? Ultimately, you are responsible, are you not?

Chris Wissun: I believe that was discussed by the production team. Like everything else that goes into the show, it is an editorial decision what we say on the screen.

Dame Carolyn McCall: If I might say, we need to make sure that we are talking about the right processes in ITV. The production executive would have definitely discussed the use of various tools and techniques in the show. The management board or the plc board would not have done that unless there was an alert, and there was not an alert for all the reasons we have mentioned. The use of lie detection tests is within the Broadcasting Code. We have not broken any regulations. There were no



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complaints to Ofcom about lie detection tests. The participants, we believe, went through processes that ensured we had informed consent.

If any of those things were not in place, that is when it would have come up to the executive board, but the production executive would have discussed what was going on in the show. It is a daily show. It was going out every day, five days a week. The production executive would have definitely discussed it.

- Q317 **Brendan O'Hara:** I think we can be honest here that for all the nuance and all the spin you want to put on this and for all the references to the small print, in fact the lie detector was presented as truth. On the show, on the day, to the people involved and to the viewing public it was presented as truth, and you had a presenter who was an active participant—he was a belligerent in this. Therefore, anything that you say now is trying to remodel what the facts of the case were. As I say, you can hide behind the small print and the nuance of it, but that is the fact. Do you not agree?

Dame Carolyn McCall: Mr O'Hara, really we would not spin anything, ever. We are trying to be extremely open and transparent with you and as helpful as we can be. We genuinely believe that we made it clear to participants and indeed on the TV screen, in the forms that were signed, that people understood that this test was not 100% accurate. We did what is required—we probably went beyond what is required—to ensure that the participants of the show and indeed the viewers of the show knew that this was not accurate.

As for Jeremy Kyle, he believed I think more in this, but he also knew they were not 100% accurate. You are right to say that on occasion he would say, "This test says you are lying". He would use that. That was his style, and everybody who watched the show and people who went on the show knew what his style was. It was very direct and it would frequently do that. You might not like that style. It makes people feel uncomfortable, no question, but we would not spin something like this.

- Q318 **Brendan O'Hara:** You honestly think that at all times both your viewers and your contributors or participants knew and understood the absolute truth about this lie detector, the results of which were, as we saw in the clip, going to be thrust in their faces and said, "You're lying"? They knew?

Dame Carolyn McCall: I honestly think that the team did whatever they could to explain that. There will be some individuals that would not listen, I think, probably. That is just human nature. I think the production team would have done everything they could to ensure people understood what they were getting into on that show, partly because they had watched the show as a viewer, partly because they knew Jeremy Kyle's style. In fact, many of them wanted to be on "The Jeremy Kyle Show" for that precise reason. I think they will have done what they could to ensure people understood that the lie detector test was not 100% accurate.

- Q319 **Brendan O'Hara:** Do you think, then, that the show in itself was a public service, care-orientated show, or it was a ratings-driven, sensationalist



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show? Which was it?

Dame Carolyn McCall: You can have both, in actual fact. This show had been going on for a long time. We are a commercial public service broadcaster, as you know. We do a huge range of programmes.

Q320 **Brendan O'Hara:** Yes, but this show?

Dame Carolyn McCall: This show I would say at its core was trying very much to resolve people's issues. That is why they looked for people with issues. Therefore, that was what the show was about. It did have some positive intentions. It did not always work out like that. That is clear.

Q321 **Brendan O'Hara:** From day one, its driving force was conflict resolution and to bring people together, not to sensationally split people up or to lay out people's innermost feelings and fears in front of an audience of 1.5 million people?

Dame Carolyn McCall: I did not work at ITV 14 years ago, but when I have looked back on the purpose of the show, from its inception—it was a radio show first and became a TV show—it was about trying to resolve issues for people with normal lives in the real world. That is what it started off—

Sir Peter Bazalgette: Mr O'Hara, you may not have taken evidence or been given evidence from them, but there are a large number of people in that period of time who did find that show helpful, who did find that it resolved their conflicts or helped them with personal problems like addiction. That is on the record. There are a large number of people who did get benefit from it.

Q322 **Brendan O'Hara:** Can I ask you all just one final question at the moment? Up until it was cancelled in May 2019, were you as an ITV board proud of "The Jeremy Kyle Show" and did it reflect the values that you wanted ITV to reflect?

Sir Peter Bazalgette: Perhaps I could answer that. When I look at the number of people who viewed it and enjoyed it, when I look at the number of people who wanted to get on the show because they thought it had some value, and when I look at the number of people, as I just mentioned, who got some benefit from it, it was something to be proud of, yes.

Dame Carolyn McCall: I am proud of what ITV does. I am very proud of ITV.

Q323 **Brendan O'Hara:** You have the right to be so, but I am asking specifically about—

Dame Carolyn McCall: What I would say is it may not be to your taste, "The Jeremy Kyle Show", or anybody around this table, but it was watched by a million people a day. We did not make a commercial decision around this show. We did not even discuss commercial things. The purpose of the show had a good intention.

Q324 **Brendan O'Hara:** You are answering lots of questions that I did not ask,



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so let me ask once more. Did "The Jeremy Kyle Show", before it was cancelled, reflect the values of ITV?

Dame Carolyn McCall: It reflected the values of wanting to help people, of wanting to have people on a show that were from the public, where they genuinely wanted to seek help, whether it was counselling, therapy, rehabilitation, family mediation or child mediation. It did all of those things, and it did help a lot of people. I know it is not a popular thing to say here, but cancelling the show is not straightforward. I have e-mails every day. There is a petition of 50,000 asking for the show to come back. We are not going to bring back "The Jeremy Kyle Show", but it does show that there are a lot of people out there. The e-mails say, "This show helped me with my issues because it brought them into the light." I am just reflecting a different perspective to you where other people saw value in this show.

Q325 **Julie Elliott:** I just want to follow up a few things that you said. Mr Wissun, you said that these lie detector tests were recorded. Did the contestants who were going through that process know they were being recorded?

Chris Wissun: Yes.

Q326 **Julie Elliott:** We have heard from the Chair already that being under stress, being recorded, these are people who are not used to being recorded in any situation. It is not like us sitting around here where cameras are on us 24 hours a day if we are in this place. Surely that in itself will negate some of the results of the lie detector test.

Chris Wissun: I do not claim to be an expert or a polygraph examiner myself, but the polygraph examiner would explain to them that it was natural to be nervous and that that would not influence the outcome, and that the test itself had, if you like, test controls built into it to take account of that. What they would do would be to ask a series of control questions before they got to the particular questions that had been agreed with the guest. Perhaps I am not explaining well. I think what they would be told was that there was no need to worry about nervousness because that ultimately would be taken into account when the examiners assess the physiological reactions that they were recording.

Q327 **Julie Elliott:** That sounds just unbelievable to me. It really does not stack up on any level at all.

Sir Peter Bazalgette: Ms Elliott, can I just say one other thing about the experience of being recorded? I think it is fair to say that in the era of the smartphone, everybody is used to being videoed. In some cases virtually all the time some people record their lives. Just on that particular point you made about being recorded on video—

Q328 **Julie Elliott:** That is not what your documentation says. It talks about people being nervous, being nervy when they are going to be filmed. Your documentation says—



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Sir Peter Bazalgette: That is a reference to the whole programme, the experience of going on the programme. You were just talking about the experience of taking the lie detector test and being videoed, and I just wanted to add that point.

Q329 **Julie Elliott:** I do not agree with you, but there we are.

I also want to come back to something you said, Carolyn, that your team worked very hard to explain the lie detector test. We have sat here with your team for more than two hours, I think. I do not feel they have explained to us at all satisfactorily the merits of the lie detector test, the way it works, or even that they knew totally how it did work or the parameters around it. You have come in quoting percentages, seeming to know far more about it than they did, yet you have also said that it is their job to know that, and they did not. I find the statement quite alarming when you said they did work hard to explain the lie detector test. If they cannot come in here, where they knew they were going to be getting asked quite searching questions on the whole issue because it is a very serious issue, and they certainly have not satisfied me—I cannot speak for my colleagues, but I would be very surprised if they have, on the answers to those questions. I find it quite alarming that you, as the head of the organisation, can say that they worked very hard to explain the lie detector test to contestants or participants or whatever you want to call people.

Dame Carolyn McCall: I am sorry you feel that. I feel that they might have also been a little bit nervous coming in front of a Select Committee. None of them has done that before. I think that on a day-to-day basis the production team were loyal and dedicated to this show and would have really, really wanted to explain fully what participants were getting into. They were called guests. They are looked after. You heard what Graham Stanier's role was, which was also to explain, but in a different context, the consequences of a lie detector test if it did not go their way. I do believe on a day-to-day basis the team took this seriously. They took the whole show seriously. It was a daily show.

Q330 **Julie Elliott:** Do you think you had the right people in here answering the questions about that?

Dame Carolyn McCall: Tom is the executive producer of the show. He has been involved in the show for a very long time. He does run a lot of other shows as well. There is a producer on the show day to day who is not Tom, and Graham Stanier and his team of medical nurses are on the show all the time. You have some of the right people to answer your questions, yes.

Q331 **Julie Elliott:** Moving on to one of the other things that I was particularly exercised on this issue with, informed consent, you have mentioned that. I just want to ask very, very simply: do you feel participants, guests, were in a position to give informed consent? I would ask every one of you that. Just straightforward—

Dame Carolyn McCall: Yes, I do, and I did hear the bit about literacy



and literacy skills and so on. I feel that what I can say to that is that on that show people filled in forms with somebody and they also had verbal dialogue with somebody, not only Graham's team but also the production team. If there were literacy issues, I think they would be picked up in the course of those conversations. They would have been taken into account. I think that informed consent is an incredibly important part of what we do. It is a pillar in duty of care for participants, particularly with members of the public. It is an incredibly important thing, and I do think that we had processes in place that did ensure that things were explained sufficiently so that people could take informed consent.

Sir Peter Bazalgette: You said you wanted to ask each of us.

Julie Elliott: Yes. I want each of your answers and then I want to come back to—

Sir Peter Bazalgette: I would reiterate what I said to the Chair a little earlier. The people who went on the show were people who applied and really wanted to appear on the show. In fact, most of the people who applied did not go on the show, but a minority got on to it. They applied to the show because they knew what the show involved. They wanted to be on it. They had seen it every day. They were fans of it, I assume, or thought that it could bring them benefits. They started with a very high level of knowledge of not only the show but the way the show was produced, the way it was presented and the effect on the people taking part. That is part one.

Part two, for informed consent, is what Carolyn just said, which is very, very careful explanation of different parts of the show, how they might go, how it might be for you if they go this way or go that way. I believe that took place.

Chris Wissun: Yes, I concur. Informed consent obviously is a cornerstone of television. It is important in every programme that anyone takes part in, not just in "The Jeremy Kyle Show". It is a pretty basic requirement for all programmes.

Informed consent essentially is about, in this context, did the guest understand the nature of the show? Did they understand what they were letting themselves in for? Did they understand what their role in the show was going to be? Did they understand the likely questioning that they were going to be given by the presenter? I think fundamentally the answer to that question is yes. I am sure that Tom said it on more than one occasion. The people who applied to go on the show tended to be the people who watched the show regularly. Therefore, I would say they really did understand what they were getting into.

I can absolutely understand why other people watching the show would say, "Why on earth would you submit yourself to that?" I would say that they willingly submitted themselves to it and they did know quite what they were doing.

Q332 **Julie Elliott:** I totally accept that it has tended to be people who were



fans of the show, which is not me, who would want to go on the show. I totally accept that point, but I am concerned again, Carolyn, that what you have explained there is very different to what Tom explained in the previous session. I pushed him very hard on this issue about literacy and understanding because there are a lot of legal documents you have sent us—and thank you for doing that—that you really do need to know what you are signing. He said, basically, if someone said yes, they could read and write and did not have dyslexia, there would be no further pursuance of that.

Dame Carolyn McCall: No. I think if it was dyslexia it would have gone through to Graham, but if they had said yes on literacy, I am saying and I think Tom would say that it would have been picked up in the verbal conversations, of which there were many afterwards.

Q333 **Julie Elliott:** That is not what he said, if you can compare what is in the transcript and then come back with what is the factual representation of what happened.

Dame Carolyn McCall: I will watch that again. Sure, I am very happy to do that and watch that.

Q334 **Julie Elliott:** I want to move on to something completely different. I could say light relief, but I do not think it would be. “Love Island” and body image is what I want to move on to. A ComRes survey recently revealed that more than half of 18 to 34 year-olds feel that reality TV and social media have a negative effect on how they view their own body image. Do you think that ITV Studios has a responsibility to show different types of body image among contributors? I am particularly thinking of the “Love Island” types of shows.

Dame Carolyn McCall: We do a range of shows, as you will know. We do “I’m a Celebrity” and “Saturday Night Takeaway”. Fremantle does for us “Britain’s Got Talent” and “The X Factor”. “Love Island”, of course, we produce. They are very different shows and they show the diversity of Britain completely, including body image. All of those shows have people with a range of shapes and sizes.

I think the most important thing is that the people on “Love Island” tend to be young. They are healthy. We do a BMI test. They are all within the healthy range of BMI or above. If you look at the series now that is ongoing, they are not all the same shape, neither the men nor the women. They are different. There are variations of shapes, although I absolutely take your point, which is that they are all fit, healthy, young individuals because it is a dating show. It is not “I’m a Celebrity”, which is a range of celebrities of all different shapes and sizes who go on that show. You have seen autism on “I’m a Celebrity” with Anne Hegerty. That was warmly welcomed. You see Lost Voice Guy on “Britain’s Got Talent” who has cerebral palsy. People were extremely pleased to see that on ITV. I think it depends on the show.

Q335 **Julie Elliott:** On “Love Island” I was going to say: do people conform to a particular body type? You are saying they do not, but what you were



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saying is they are young, fit and healthy.

Dame Carolyn McCall: They are healthy. They are within the BMI range for healthy or above.

Q336 **Julie Elliott:** Are casting directors of that show given instructions about physical appearance when searching for contributors?

Dame Carolyn McCall: They are not.

Q337 **Julie Elliott:** What are the guidelines on who they are looking for?

Dame Carolyn McCall: There is a very, very rigorous application and casting process. We get about 98,000 applications for "Love Island". They then take that down to about 90 to 100. As soon as they get a call-back at that stage, they go through medical questionnaires, psychological questionnaires and assessments. That then goes down to about 30 to 40 who get selected to appear on "Love Island". It is a very rigorous process of screening that goes on before they get on to "Love Island".

On "Love Island", if I may just say, it is four years old now, this iteration of "Love Island". We got Dr Paul Litchfield, who was a former Chief Medical Officer, to come in. I had been there a few months and I felt it was important to get him in to review what we do on "Love Island" and to give us some feedback on what he would do to improve our processes and our application screening and so on. He has been very helpful. He now helps oversee the duty of care processes on "Love Island". We have changed some of the things that we do as a result of that, and fewer people get through to the 90 call-back as a result of that.

Q338 **Chair:** On "Love Island", last year UK Anti-Doping wrote to you about its concerns about the promotion of unrealistic body images on behalf of the men on the show. That is correct, isn't it?

Dame Carolyn McCall: I did not receive that letter. The first I saw of that was in a newspaper. I reply to all my letters, and I do not recall that letter, and I have checked. I know through the newspapers that it has definitely made that assertion.

Q339 **Chair:** It says it made an approach to you directly, but do you know whether UK Anti-Doping has raised this with anyone else at ITV?

Dame Carolyn McCall: I checked into that, and I do not think we have seen anything on that. Chris, are you aware?

Chris Wissun: No.

Q340 **Chair:** Obviously, UKAD believes it did. In response to that newspaper article, though, which asserts that it did not get a response, have you contacted UKAD to ask if it would like to come in and discuss it?

Dame Carolyn McCall: We would certainly do that, and I have asked somebody to make contact with them, and I think they have had a conversation. I will come back to you on that.

One of the things I would stress on "Love Island" is that they all go through testing. They are tested for drugs. They are tested for steroids.



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They are tested for everything. We have no tolerance for the use of any type of drug.

Q341 **Chair:** Any performance-enhancing substance?

Dame Carolyn McCall: Any drug. We make that very clear to anyone participating in the show.

Q342 **Chair:** UKAD has contacted me during the session asking if I would raise it with you, which to me would suggest it is not particularly aware that it has been approached for a conversation, otherwise it probably would not have bothered. It would be just looking forward to the meeting.

Dame Carolyn McCall: I would be surprised if it has not been contacted, but I will pick that up.

Q343 **Chair:** If UKAD is still watching, it may give us a further update before we have finished about that. I would hope it does. It is our national body on anti-doping.

Dame Carolyn McCall: Sure, and we would be more than happy to talk to them.

Q344 **Chair:** There was an article analysing the members of "Love Island" selected for the previous series. Half of the people who were selected had been approached about going on the show. They had not applied. They were approached and recruited, most of them working at model agencies. Do you know for the current show what that proportion would be of people who have been approached to go on the show, rather than applying?

Dame Carolyn McCall: I think we make it very clear in our process that the production team continuously looks for people who would be right for "Love Island" in terms of being able to be in the villa and the personality that they are required to have. We say very clearly that they go to festivals, they go to model agencies, they go to a whole range of different places to see whether people are interested, but they would still go through the screening process that I have just described.

Q345 **Chair:** I am sure they would, but the reason I raise it and the reason it might be significant is that in this article, which was in *The Guardian*, I think, looking back on the previous series, there were also people talking about turning it down, and saying, "They are all largely on the books of the same London model agencies. They all know each other. They go into the villa knowing each other. Some joke about whether they or their friend will get approached next year about it." That would suggest that the people making the show are going for a very certain type of person. They are fishing from a very small pond for the people that want to be on it.

Dame Carolyn McCall: I do not think they just look in that pond. I think they keep it quite open. There are some people who go on "Love Island" who have never achieved any type of contract or agent or anything like that. In fact, we are very careful to advise them to get an agent as soon as they go on "Love Island". We encourage that because we think that



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gives them much more information about what it will be like afterwards. There are people that come from a very different pool to that on "Love Island".

Q346 **Chair:** Do you see that some people might be concerned that what is presented on one level as a reality TV show, street-casting members of the public to be on it, is in fact slightly augmented reality, in a way, is it not? You have a really quite narrow cast of people that are on it, and half of the people that are on it are approached by the production company, rather than just applying and going through auditions or whatever.

Dame Carolyn McCall: I do not know the proportion that is directly approached and those that are not, and we can come back to you on that because we will know that for this year. What I would say is it is a very diverse group of people. If you look at the show, there is a biochemist on there, I think she is, a bio-scientist. There is a model. There is diversity in terms of background. There is diversity in terms of BAME. It is quite a diverse pool in actual fact.

Q347 **Chair:** Are you happy with the BAME diversity on the programme?

Dame Carolyn McCall: I am. I think we have an index on that, and we work very hard to make sure it is as representative as possible of Britain.

Q348 **Chair:** Are you concerned about the reports some people have that people from BAME backgrounds tend to be last picked, first excluded, and seem to get less than a fair ride on the show?

Dame Carolyn McCall: I do not see the evidence for that, genuinely, and if there was, we would take that very seriously. If you look at the current show and you look at Yewande and Danny and Arabella, Yewande and Danny had an enormous amount of airtime in the last two or three episodes as a result of what was going on with them. One of the most popular couples at the moment is Michael and Amber, who are both from a BAME background.

Sir Peter Bazalgette: Chair, I welcome your question and I do think that giving rise to a debate about representation and relationships between people of different ethnicity is a really healthy thing. I really welcome the debate around the programme. I think it is the sort of debate that a broadcaster like ITV should give rise to.

Chair: Thank you.

Q349 **Giles Watling:** Yes, I shall wait for my call from the producers of "Love Island" shortly.

Dame Carolyn McCall: You would be very welcome.

Q350 **Giles Watling:** No, you do not want me, really. A couple of questions popped up during the recent evidence you were giving. You said that "The Jeremy Kyle Show" came from a radio show and then became a talk show and so forth. It seems like it is a natural progression from the world of Marjorie Proops onwards, the agony aunts and moving on. It became this combative series. Has it grown and grown and outstripped you, the



producers, in a sense, inasmuch as it has gone to places that you were not expecting it to go?

Dame Carolyn McCall: I cannot really answer that. What I would say is I think the format has remained very true to the original format. It has always been this kind of show. The style of the show is a tabloid-style, direct show, and Jeremy Kyle's style has not really changed over the years. He is opinionated. He is hard-hitting. He is straight-talking. That is what he does. I do not think it has changed into something else. I do think, however, that society has evolved quite a lot, and I think that everyone is far, far more aware and sensitive about mental health issues than they would have been 14 years ago, to be truthful. That is why all shows have to evolve with the time.

Q351 **Giles Watling:** Do you think it would be fair to say that the people's desire for their 15 minutes of fame might overcome any reservations they might have about privacy and exposure to ridicule? Do you think that might be a fair thing to say?

Dame Carolyn McCall: I think people came on that show for a variety of reasons, and some of it was nothing to do with fame, in actual fact. Many, many people came on that show because they wanted to sort their own problems out. That is the evidence of the show—that people who asked repeatedly to be on the show were people who had some serious issues. We have had alcoholics on the show who have been into rehab. We have had drug addicts on the show who have had help as a result of the show, and numerous relationship issues where they are trying to prove, one to the other, that they can resolve this—

Q352 **Giles Watling:** We were told in the last panel that 99% apply having seen the show. Therefore, they are after some sort of exposure. Often we are dealing with very vulnerable people here. I wonder if they are fully aware of the repercussions of this potential exposure to ridicule.

Dame Carolyn McCall: I would say that as the show has progressed, social media has probably intensified this. At the beginning of the show and for many, many years, this would not have been as much of an issue at all. In the recent past, certainly the clips you might see on YouTube or the user-generated content around the show and the echo chamber of social media can make it very different for a participant on that show who was perhaps coming on the show to resolve a problem. It could give them other problems. Do you see what I mean?

Q353 **Giles Watling:** Absolutely. Are participants told about that?

Dame Carolyn McCall: They are.

Q354 **Giles Watling:** We know from other inquiries that we have held that there is bullying on social media platforms such as Twitter and so forth. You get a group of people and suddenly it is like a pack of hounds hunting down the fox. Are they told of this possibility? Are they informed?

Dame Carolyn McCall: They are, and they are on all our shows, especially in the last few years. Social media is an important part of what



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we discuss with participants. On “Love Island” we give them social media training so that they are equipped to deal with what may come.

Q355 **Giles Watling:** Really?

Dame Carolyn McCall: Yes, because no one knows how that is going to go, so they need to be equipped. They need to be trained. Some of them will be famous. Some of them will not be famous. Some of them will be ignored. That can be as bad as being famous. The most important thing is to equip them with the knowledge and the training to deal with social media and to get an agent, because an agent can be very protective of the individual they are representing, as you know.

Q356 **Giles Watling:** You feel you are fulfilling the duty of care as far as—

Dame Carolyn McCall: I think social media has become a very important part of informing people as to the implications of being on a show.

Q357 **Giles Watling:** Thank you. Sir Peter, just to turn to you, you are sort of the father of British reality television with an amazing track record—

Sir Peter Bazalgette: Is that an official position?

Giles Watling: I have just bestowed it upon you. Was “Big Brother” one of yours?

Sir Peter Bazalgette: It is a format I imported into the country.

Q358 **Giles Watling:** You imported it into the country. I remember the first series, and fascinating it was, too, and I sat down and watched it as a social experiment. Since then it has reinvented itself and reinvented itself, always pushing the boundaries, always expanding and always moving on. The way we are going as far as reality television is concerned is we are moving inexorably towards a version of “The Hunger Games”. We are entering dangerous territory, but have we reached a watershed as far as reality TV is concerned now? We thought we had when the “Noel Edmonds Show” was suddenly shelved, you might remember, some many years ago now when there was an unfortunate incident on that show and things changed. Have we reached another watershed now with the axing of “The Jeremy Kyle Show”?

Sir Peter Bazalgette: I was not responsible for “Big Brother” after 2007. I would regard “Love Island” as a much more benign version of “Big Brother” because it is all about relationships and romance and it is a much more benign version, so I do not think it is a more extreme version of the earlier reality shows. If anything, it is a more benign one.

This word “reality” is a difficult one to define because some people apply the word to quiz shows, some people apply the word to fixed camera shows and some people apply the word to talent shows, even cookery shows. “The Apprentice” is like a business skills programme. It is not an easy one to tie down.



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As regards “The Jeremy Kyle Show”, it is a very different show to those other ones I have just mentioned. It is a relationship show and takes place in a studio. People go and visit and they are there for a short period of time. They are not there for seven or eight weeks. Carolyn’s decision to end the show means it will not be coming back. I do not think there is a similar show like it on television. I would not call it a watershed because I think other reality shows will go on and are hugely enjoyed.

Q359 **Giles Watling:** You feel that producers in future may learn a lesson from this?

Sir Peter Bazalgette: One of the undertakings Carolyn has made to you today is that whatever learnings there are—and that includes your own conclusions that we will read very carefully—we welcome your inquiry. We expect as a public service broadcaster to be held to the highest standards, so we are pleased you are holding this inquiry. We will look forward to your findings. We will learn from this and Carolyn has undertaken in front of you today to apply any lessons from it if they are appropriate to other shows. She had undertaken publicly and to you and to the ITV board to continually improve our duty of care and her appointment of Paul Litchfield, as she mentioned, earlier last year is an example of that. I could give you others but that is what she is about.

Dame Carolyn McCall: Most importantly, I think this is important for the whole broadcasting industry. We have reached out already to PACT, the independent producers association, so we can work on best practice for all the industry on all our shows that involve the public.

Q360 **Chair:** For the record, in our inquiry into the reality TV genre we will be questioning other television companies and production companies in just the same way we have done in future days.

Sir Peter Bazalgette: We will look at your conclusions very carefully and I have no doubt we will learn from them and we will attempt to apply them.

Q361 **Giles Watling:** I would like a couple of last questions to Mr Wissun if I may. It is about when contestants sign a contract. I am used to that. It is what I have done all my life and I am used to seeing Equity standard contracts and so on. A lot of people do not know about this. In fact, the general public, I would imagine, do not often sign contracts. Where do they do this? Do they do that at home? Are they sent the contract at home or is it in a casting audition the contract is put before them?

Chris Wissun: Are you talking about “Love Island”?

Giles Watling: I am talking about “Love Island”.

Chris Wissun: I will be honest with you. I do not know at exactly what point they sign the contract. Obviously, it is before they take part in the show.

Q362 **Giles Watling:** Are they guided through the process?



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Chris Wissun: Yes, I think they are quite carefully guided through the process, and again it goes to this point about informed consent. I think informed consent is not just signing on the dotted line. It is very much having the nature of the show explained to you and, indeed, increasingly now in particular for "Love Island", having explained to you not only what you can expect on the show and what will be expected of you on the show but also what you can expect afterwards; in other words, the downsides as well as the potential upsides of suddenly becoming more famous than you were before.

Q363 **Giles Watling:** You are satisfied these 27 pages or so of legalese is adequately explained?

Dame Carolyn McCall: Can I just build on that? The 98,000 will have an application form but however they have come to "Love Island", to wanting to be on the show, the 90 to 100 that get a call back will definitely be talked through the forms, will definitely be one to one, will understand the implications of appearing on "Love Island" and will understand why. They will go through with them what happens if you leave the villa early and what happens if you are not selected. How will you feel? What is the worst you will feel? Do not forget, too, on "Love Island" the families are involved, so we involve parents of participants if they want that, but we reach out to a much broader group on "Love Island". It is very comprehensive.

Q364 **Giles Watling:** You are confident that your processes ensure that they understand?

Dame Carolyn McCall: Yes, I do feel confident about the processes of "Love Island".

Q365 **Giles Watling:** There is something I touched on earlier. Contestants are asked to sign away the possibility of getting an injunction to prevent ITV showing any footage you choose. Would you agree that results in a significant imbalance of power, shifting towards ITV and away from the contestant?

Dame Carolyn McCall: I think we do that, and Chris is a lawyer by background, because it is a standard clause we put into every single contract. If someone turns round and says, "I do not want you to film that" they would be editing the show. That is why we need to have the freedom as editors to make the show.

Q366 **Giles Watling:** It is something I touched on in the earlier panel. You might have noticed when I was talking about editing and the power of editing. They understand what you can do to them?

Sir Peter Bazalgette: They are a generation who edit video themselves. Their level of media literacy is wholly different to the people who took part in the early years of "Big Brother". On that point, informed consent is an issue you quite properly raised as a Committee with us and our colleagues. But informed is one important word and consent is the other



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important word. We need to get genuine consent from them. If everybody who took part in the show came together afterwards and wanted, legally or otherwise, to stop various parts of the show being shown, it would not be practical. That is the reason for that clause. It is a practical reason for that clause but it is only fair and meaningful if they have informed consent, and we believe they do have informed consent.

Q367 Jo Stevens: Can I pick up on what we have just been discussing? The contract—thank you for sending it to us—is very substantial, much greater than an actor’s contract I am told by Giles. At any point for the people who have to sign this contract do you advise them to get impartial legal advice on the terms of the contract?

Chris Wissun: I do not know but I believe we do.

Q368 Jo Stevens: You do not know?

Chris Wissun: I can check with the producers.

Dame Carolyn McCall: I am pretty sure, given that we advise that they get an agent, we would tell them to get an agent early.

Chris Wissun: Some, a minority I think, have an agent before they sign up to do the show.

Q369 Jo Stevens: You cannot say that they get impartial legal advice on this contract. This contract requires them to hand over all their rights in perpetuity for a huge range of things, copyright, performer’s rights, royalties, their name, photographs, representations and the contract covers a period beyond the filming of the programme. If they wanted to get out of the contract at any point they have to pay a release fee to ITV and that is decided upon by ITV. People are signing themselves up to very restrictive terms in this contract so I am quite surprised it is not a requirement and you are very clear that you do advise people to get impartial legal advice on it.

Dame Carolyn McCall: I would be surprised if they did not. I think advising them to have an agent is partly because the agent will look at the contract. We will verify that and come back to you.

Q370 Jo Stevens: There are a couple of things I wanted to ask you about in the contract. Maybe Mr Wissun is the best person to ask but I will leave it to the three of you to decide. You have been very clear in your evidence and your colleagues previously about what you consider to be the proper professional medical provision on the programme.

I will leave “The Jeremy Kyle Show” aside for the moment, but on “Love Island” you mentioned you would have the Chief Medical Officer review all the procedures. In the contract it says here, “We will give you during the lockdown period such medical assistance as you need” and the medical providers you have there determine as necessary in their absolute discretion.



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You have medical people qualified to make a decision in their complete discretion about treatment or any medical assistance, but further in the contract it says that you, “Will not be liable for any damage or loss arising from medical treatment or misdiagnosis provided by our medical team during the programme”. If I am a contestant on “Love Island” and one of your medical people wrongly diagnoses me with a sexually transmitted disease, for example, and I get kicked off the programme as a result with all the public humiliation that involves, you do not accept any liability. Why is that clause in that contract?

Dame Carolyn McCall: Can I say something about that? I think that would be a standard clause in any contract about liability on medical.

Q371 **Jo Stevens:** Not in contracts I have written.

Dame Carolyn McCall: I sign forms for my children at school that absolves the school of medical treatment for a child because they will not be liable for whatever treatment they give a child. I think that is a standard contract.

Q372 **Jo Stevens:** You are telling people you provide medical assistance but then you do not accept any liability for the medical assistance or diagnosis you provide.

Dame Carolyn McCall: I honestly think that is a standard contract when you are filming on location. There is no medical practitioner we would get on that show that would not have that clause in there because it is—

Q373 **Jo Stevens:** Do the medical practitioners on your show have professional indemnity insurance so if they do something wrong the insurers will pay out?

Dame Carolyn McCall: I should think so.

Q374 **Jo Stevens:** Why do they have the medical indemnity insurance if you do not accept any liability?

Dame Carolyn McCall: Many doctors do that. Generally doctors do that.

Q375 **Jo Stevens:** I have spent 30 years looking at contracts and I am surprised at that.

Dame Carolyn McCall: We do have medical practitioners on the show but we also have a psychologist, Sandra Scott. She also has two psychologists on the show, two psychotherapists on the show and other staff, so there is a lot of resource on the show.

Q376 **Jo Stevens:** I will move on to something completely different now about the legal status of the contributors. Having looked at all the documents you provided, I have seen the expenses paid to contributors and the period of time during which this contract applies and when they have to devote their entire time every minute of every day to the work. If you applied the national minimum wage to this work—and I appreciate you do not accept they are employees—it looks like “Love Island” contestants



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would earn about £2.80 an hour for doing what they do. Do you think that is appropriate?

Sir Peter Bazalgette: Have you included the whole team in your costings there?

Q377 **Jo Stevens:** I am talking about what they are given as a consideration that is the payment for entering into this contract.

Dame Carolyn McCall: Whenever the public appears on any show they are not paid to appear on the show.

Q378 **Jo Stevens:** But they are given expenses, are they not?

Dame Carolyn McCall: They are given expenses and that is made very clear. Every contestant on the show goes in there knowing absolutely that we will pay their expenses and they will get a lot of—

Q379 **Jo Stevens:** But those expenses are not reimbursement for outlay, are they? It is a subsistence, effectively.

Dame Carolyn McCall: Members of the public are not paid to appear on programmes.

Jo Stevens: I heard you say that.

Dame Carolyn McCall: That is what I am saying, so trying to divide the expenses up on that is—

Q380 **Jo Stevens:** I am saying it is the equivalent of about £2.80 an hour.

Dame Carolyn McCall: I do not accept that because they come on willingly and are not expecting to be paid for their appearance on the show. They are expecting their expenses to be paid.

Q381 **Jo Stevens:** By giving up all the things you require them to give up in signing this 27-page contract there is, as Giles says, a very big power imbalance between ITV and the person who is coming on the programme. In France there has been a recent court case where participants in a very similar show to “Love Island” were given the status of employees. Why do you not do the same?

Dame Carolyn McCall: Because that is French law. We operate in France and I have experience of France and French law says everybody is an employee. I think the benefits of being on a show like “Love Island” and what we provide to those participants probably exceeds anything that legislation would require.

Q382 **Jo Stevens:** Like it requires to be 24 hours a day working time directive. I do not have the benefit—

Dame Carolyn McCall: I said the benefits of the show, so we comply with all regulations. We would say that is not the way it works here and we would be happy to discuss further the French way. I do not know in



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detail what that will mean. We are very happy to discuss that going forward.

Q383 Jo Stevens: As a point of principle or as an idea, would you have an objection to people who go on to the show being employees for the period of time they are on the show? You do not have to do it but I am just asking.

Sir Peter Bazalgette: Carolyn said she would be happy to look at that. I think the truth is these people are very well looked after not only while they are on the show but after they leave the show. The reason it is suggested to them they get agents is because being on the show offers them the opportunity of earning very well after the show and some of them do earn very well. If you take it in the round I think it is quite beneficial.

Jo Stevens: I will leave it there. I do not have any more questions if you are going to come back to us for a discussion on the employee status later.

Q384 Brendan O'Hara: You may have heard or seen the exchanges I had with Mr Stanier and Mr McLennan around the professional qualifications of the people you employ. I think you would agree that if ITV and others are going to make these contributor-based reality shows where their innermost feelings and faults are going to be laid bare and they could end up being dreadfully hurt by the experience, suitably qualified persons have to be in place and on hand to provide help and support. Given that, why is the minimum qualification required by ITV to act in that lead contributor care role not including having to be registered with the Health and Care Professions Council?

Dame Carolyn McCall: Are you now referring back to "The Jeremy Kyle Show"?

Q385 Brendan O'Hara: Yes. Generally, I am looking for the minimum threshold that you would employ someone at.

Dame Carolyn McCall: It does depend on the show in terms of duty of care. Duty of care is an overriding principle of all shows where the public appear. I think it depends on the show what you would do in terms of resources, what you would put on that show. I just explained to Ms Stevens what resources we put for aftercare and, indeed, during filming and pre-screening on "Love Island". That is psychologists, psychotherapists, a former CMO. That is because it is eight weeks of filming. Some people could be on it for the whole eight weeks. Some people could be on it for one week, but that is a different kind of show to being on "The Jeremy Kyle Show" for maybe five or six minutes.

On "The Jeremy Kyle Show", as I think they explained, Graham Stanier has a range of qualifications, including understanding psychology, but he is a psychotherapist. He also used three registered medical health nurses



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who had extensive experience in the NHS and that was seen as appropriate for "The Jeremy Kyle Show".

Q386 **Brendan O'Hara:** You do not have a minimum standard for all these shows?

Dame Carolyn McCall: No, because they are so different.

Q387 **Brendan O'Hara:** Each show is taken individually?

Dame Carolyn McCall: Yes, indeed.

Q388 **Brendan O'Hara:** Referring to "The Jeremy Kyle Show", are you even with hindsight comfortable that there was no one who was suitably qualified in psychology on that show?

Dame Carolyn McCall: When Dr Paul Litchfield came in to review all our processes on "Love Island" we also asked him to look at our other shows. Ironically, he was on "The Jeremy Kyle Show" on the day we suspended the show and then cancelled it. He was going to do a review of the processes on "The Jeremy Kyle Show" and I do not know what his advice on that would have been. It did not get completed because we cancelled the show.

Q389 **Brendan O'Hara:** Do you think given the circumstances it might be a useful lesson for ITV to get that person you mentioned to complete that review to see if your processes were sufficiently robust and perhaps whether there should be a blanket company wide?

Dame Carolyn McCall: We are working with him. He is an independent practitioner and he is very well qualified, I think, to do that. We will be working with him on a range of different shows.

Q390 **Brendan O'Hara:** Will that include looking back on what happened over the 14 years of "The Jeremy Kyle Show" just to see if the processes you had in place were sufficiently robust?

Dame Carolyn McCall: Because of the changes on that show already I am very happy that he looks at "The Jeremy Kyle Show" and the current processes on that show and what we could have improved. I am very happy that he does that. That would make sense.

Q391 **Brendan O'Hara:** There will be a retrospective look at what was done?

Chris Wissun: I think that it is fair to say the industry as a whole is now going to have a conversation and, of course, we are shortly going to have a consultation with Ofcom. I think one of the aspects of that conversation will certainly be what the appropriate qualifications are for the psychological experts that programmes use and what expertise they should employ for a whole range of different types of programmes. There are genuine differences of opinion about what the correct qualifications are, and across the industry there is a range of disciplines. There are psychotherapists, psychologists and there are psychiatrists. There is a



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range of different qualifications among the experts who currently advise different programmes.

Q392 **Brendan O'Hara:** Without wanting to put words in your mouth, would it be fair to say that ITV would be looking at a root and branch review of the role of this psychologist, this psychotherapist, call it what you will, but that professional qualification—

Dame Carolyn McCall: As someone said quite recently, the public is quite confused about the different roles, never mind people who work in the industry, so we would welcome looking at what we do on all our shows and the industry would welcome that so that we are clear as to when a certain profession would be very helpful on that particular format. I think we would welcome that.

Chair: Thank you very much. That concludes our questions this afternoon. Thank you very much for your evidence.