

Memo to the DCMS Inquiry into Reality Television

This evidence is submitted as a joint statement by Dr Hayley Dare¹ and Professor Helen Wood² in their capacities as expert advisers to the committee. 30th October 2019.

This submission contains expert analysis of: AV footage supplied by a camera operator acting as a whistleblower to the Committee on a confidential basis (Section 1); unedited footage (“rushes”) of an episode of *The Jeremy Kyle Show*, supplied to the Committee on a confidential basis (Section 2).

1. The confidential footage of ‘back-stage filming’

After viewing confidential footage of the after-care ‘back-stage’ we would also like to raise a number of concerns. These examples give us some insight into the way in which ‘after-care’ is compromised when it is also made part of the television show: it generates some considerable conflict between the care needs of the participants and the entertainment needs of the show.

Mr Stanier’s role in production

The main observation from these examples suggests that Mr Graham Stanier³ does not operate independently to the show and his role as viewed here would not be considered to be acting in the best interest of the participants, but rather in the interests of *The Jeremy Kyle Show*. Mr Stanier’s appearance is very much an extension of the show which takes place ‘front of stage’ as well as in other areas that are apparently ‘back-stage’, but are also filmed for the broadcast show as well as for extra material that has resourced compilation shows. Mr Stanier films ‘outros’ where he gives his ‘to-camera’ wrapping up of how the conflict has been resolved or is being resolved.

In light of this, it is clear that Mr Stanier is also involved in the production elements of the show in line with a relatively pre-formed idea of what constitutes ‘the resolve’ for the narrative resolution on television. In relation to the broadcast show the conflict is produced on the main stage, whilst the resolution is pursued on a ‘side-stage’ or in the dressing rooms ‘back-stage’, but is still filmed by the cameras. It is clear that both Mr Kyle and Mr Stanier move between these stages whilst each have prominence in their own domain. It is important to note that the show brands itself as a ‘conflict-resolution show’ and it could be argued from this footage that these needs of narrative resolution are informing Mr Stanier’s interventions over and above his role as Director of After-Care. In one example from the footage, we can clearly hear Mr Stanier say from the side stage, “If Jeremy does the resolve here I am not doing this one because there would be no point.” It is not clear whether ‘the resolve’ is replacing after-care here. Evidence of Mr Stanier’s lapse in a professional role can also be seen where on camera he expresses his own distrust of participants where he is heard to say in relation to the use of paternity tests, “This is the new thing they’re saying now, they’re saying they’ve got the scan dates wrong”.

Key examples: In particular we would like to draw on two examples from the confidential film footage which are of particular concern.

Example 1: appropriate intervention and pre-checks

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The first involves a young father who later goes on to disclose that he has significant issues in his life including the possibility of having bipolar disorder, serious anger management issues, long-standing cannabis addiction, a previous history of alcohol addiction and emotional instability. As the young man is leaving stage upset he is followed by the crew and Mr Kyle into a small room. During the extract, there is a loud thud in which the young father is punching the wall (confirming by the individual filming). The room is crowded with film crew, production staff, sound crew and Mr Kyle can be heard raising his voice at the participant, having pursued him from the stage, as the participant continues to loudly swear, clearly in a highly distressed and agitated state. Mr Stanier is filmed saying "Oh my God" he briefly enters the room only to walk out immediately and does nothing to intervene.

As the participant's agitation escalates Mr Stanier continues to peer into the room, then once more says "Oh my" whilst raising his hands in what appears to be his concern about what is happening inside the room. He eventually pushes his way into the room, but fails to assert himself in his capacity as 'Director of Aftercare'. A member of production crew is heard to say "Shall we give him some time yeh?" to which Mr Kyle responds "Yes we'll give him some time" before he continues with his own agenda to protect his reputation by trying to clear up an issue about what was said on the main stage. The room is not immediately cleared and from the footage, it is clearly crowded and it takes some time before Mr Stanier intervenes.

It is very concerning that the focus here is absolutely not on the welfare of the participant. The protocol here should have been to de-escalate the participant as quickly as possible, using safe techniques that any qualified professional would have known how to utilise. The priority should have been on the welfare of the participant and those around him. It is extremely concerning that a vulnerable individual was continually subjected to on-going filming whilst clearly in a highly agitated and distressed state. From a clinical perspective this is evidence of a complete abdication of the duty of care in this particular example.

It is also unclear whether the participant's hand was examined afterwards for any physical injury that may have been sustained. It is clear, however, that despite been offered a cannabis reduction programme and anger management during the after-care, other safeguarding issues were not picked up. In the extract, there are disclosures about levels of aggression displayed in the past around a young child, and there appears to have been a lack of a clinical or risk assessment undertaken prior to the participant taking part in the show. Had either of these been undertaken, the individual's emotional instability and history of suicidality would/should have already been identified. It is of concern that the show's 'pre-checks' seem to have completely failed here.

Example 2: Lie-detector reliability; treatment of a vulnerable woman

The second piece of footage which raises most concern involves a woman whose husband has just undertaken a lie-detector test on the show. According to Mr Kyle, her husband has "passed" the test which thereby "proves" he has not had an affair. As the research shows, lie-detector tests are not conclusive and generate false-positives and ITV have testified that they clearly inform participants of the potential unreliability of lie-detector tests. From this footage Mr Stanier can clearly be heard twice to say to the woman, "the lie detector has *proven* he is innocent on this particular occasion" and later "the lie detector has informed you that he isn't having an affair".

In this example, we can also see that the woman was berated by Mr Kyle on the main stage and then tries to leave but Mr Kyle says, "you are not going to get away from me with this." Whilst Mr Kyle is shouting and says "and Graham will back me up on this" which further complicates any sense of an independent clinical role. In response, the woman attempts to escape the cameras again. The female

participant's demeanour is highly concerning, she seems submissive, is struggling to speak, is unable to make any eye contact, and is seeking to hide away as much as possible. There is seemingly no safe space for her to go, which is of serious concern.

The woman reasserts that she is in a potentially dysfunctional and abusive relationship, in her comments to Mr Stanier but he tries, more gently than Mr Kyle, to coax the woman into accepting responsibility for the conflict. He even says to her, "I want you to use the I word", "The lie detector has informed you that he wasn't having an affair. The first part is 'I made the wrong assumption, and by making that assumption I created a lot of stress', sorry- [it seems he is correcting himself for the camera here] 'by making that wrong assumption I've created a lot of problems within this relationship". This seems to be clear evidence of putting words into her mouth to fit the framing of the pre-determined televised conflict resolution.

This filming highlights an example of highly damaging treatment towards a potentially vulnerable participant and suggests that her welfare is being ignored in pursuing the interests of the show. There is also no evidence of any therapeutic role being delivered or any 'aftercare' in this example.

Setting

In relation to all the examples that we have seen the back-stage setting is concerning. There appears to be a labyrinth of tiny rooms without natural light in which participants may spend long periods of time due to the nature of the recording process. It also appears that all of the spaces are available for filming, including even the show's 'crèche' which looks more like a staff room. There are clearly locks visible on all the doors but the doors seem to open freely as the crew move around them, and they appear to be of the kind that can be opened from the inside.⁴ However, on the clips Mr Stanier can be heard to ask a participant who wanted to go outside for a cigarette whether she has been able to get out, to which she replies no. Some of these restrictions may well be around the filming process, but again the environment of the back-stage setting could be taken into account when considering ITV's commitment to the emotional well-being of their guests.

After-care and interventions in social work

From the footage reviewed, Mr Stanier seems to have little prior knowledge of the participants' backgrounds, often failing to know their names, and in one example the sex of a baby. From a clinical perspective, it is not possible to see evidence of the necessary preparatory work that has been undertaken with respect to the psychological screening and wellbeing of the participants. Whilst participants may be given access to various interventions thereafter, there is no evidence here of proper clinical or risk assessments, even when participants have disclosed that they are struggling, have a possible, undiagnosed mental health issue, or a history of deliberate self-harm.

The role of 'Director of Aftercare', as witnessed here, seems to lack appropriate boundaries and appears to be undefined. At times in the role Mr Stanier operates as a presenter, but he also strays into the territory of social worker without considering safeguarding procedures. In his own words, Mr Stanier discusses "prescribing", interventions that range from anger management, drug rehabilitation, marriage guidance counselling and even "putting in place" himself access and contact agreements with children. (In one example the young mother is living in a hostel and currently can only arrange visits in a local pub). This is concerning because of the by-passing of professional bodies, as well as the necessary safeguarding issues that such interventions raise.

⁴ The existence of locks conflicts with ITV's statement that "the doors of these rooms do not have locks." [Letter dated 20 September from Julian Bellamy](#)

Importantly, this also highlights the vulnerability of some of the participants. The show can be seen to be intervening in some basic social services needs for participants who often also have related complex psychological needs. In these examples, however, the needs of participants are not elevated over the needs of the show in relationships that can only be viewed as exploitative.

2. *The Jeremy Kyle Show* evidence submitted by ITV.

After viewing the rushes and broadcast version of one particular segment of *The Jeremy Kyle Show*, we observed a number of issues of concern. Many of these areas pertain to the broadcast version of the show.

Staging/setting

In this episode, in keeping with the style of the show, the staging of the set is organised so as to maximise the confrontation between the participant and Mr Kyle who also at times moves around to position himself with the audience. Audience discussion forums report that it is usual for Mr Kyle to chat and create a rapport with the audience prior to screening, as is also usual in television shows with a studio audience. The participant in this example is brought onto the stage to 'face' the audience and Mr Kyle in a manner which may be extremely intimidating for a non-media professional.

Power relations

The uneven power relations between Mr Kyle and the participant are established from the outset which maximise this discomfort. Mr Kyle attempts to portray the participant in a particular light, commenting on the style of handshake "Blimey, that hurt", referring to how the participant is sitting in the chair, asking that he "sit-up" and then mocking the participant's colloquialism, "in it" by reiterating that particular phrase. The participant is clearly already agitated as he arrives on stage, and from the outset the participant does appear to be completely 'thrown' and angered by the accusation that he mistrusts his girlfriend because of her older age, which he suggests is a lie.

Whilst the balance of power is already in favour of Mr Kyle as the experienced TV presenter, very familiar with a television studio and television audience, this can be allayed by making guests/participants feel welcomed or by sitting alongside them as Mr Kyle does at the beginning of the extract. The exercise of power is asserted very quickly when Mr Kyle stands up, begins raising his voice and begins to talk to the participant in a derogatory manner. At this stage, Mr Kyle uses phrases that suggest he may be going to swear but a sophisticated, well-rehearsed approach ensures that he does not. He does, however, state "You're a rude, obnoxious pain in the backside", throwing down his cue cards in front of the participant.

In standing up, Mr Kyle positions himself in opposition to the participant moving from previously sitting alongside him, to further exacerbate the confrontation. At this point, the content of the discussion of the show shifts away from the lie-detector test about his partner's potential infidelity (which the participant is expecting to discuss) to the character of the participant. Mr Kyle, shouting, confronts the participant about his apparently violent and abusive actions back-stage which then become a key part of the discussion and thus establish the participants' characterisation for the show.

Demanding the 'back-stage notes' from his crew, Mr Kyle is passed sheets of paper from which he reads out notes about the participants' apparent abusive nature back-stage, a staging which is clearly orchestrated.

Participants' informed consent

Of key concern here is how far participants are made fully aware, through explanation of their contributor agreements, that everything that happens whilst they are around the set of *The Jeremy Kyle* show can be recorded in notes and used for the drama of the broadcast show. From the participant's reaction, it is clear that he has already twice felt misled about the nature of his appearance: firstly in relation to the framing of his problem with his girlfriend's age, and then secondly in relation to the re-telling of events from back-stage on the main stage. (It is important to note that we have not seen any back-stage footage in relation to this example).

The production and editing of conflict

Reality shows and talk shows regularly work to construct personas and characters from non-actors – here the characterisation has been sketched from (unseen) events back-stage and presented to the participant on stage in order to maximise the conflict. In this particular case, according to the public evidence given to the committee from the participant, this has had a serious ongoing negative effect on his life which has been compounded by ITV's re-purposing of the material on YouTube platforms, branding the participant as the 'most hated guest'.

As is well-understood by talk-show audiences, the production of conflict in some shows has been a hallmark of the entertainment with the dangers, established by the on-screen presence of security staff, very much part of the show. Both the participant and the presenter in this episode demonstrate aggressive and combative language styles and relatively little of these exchanges is edited out for broadcast since the conflict is produced for entertainment.

It is noticeable though that in the broadcast version the participant's expletives are blanked so that his expletives are still apparent, whilst Mr Kyle's use of the word "gob-shite" towards the participant is seamlessly edited out. Two examples of the participant's partner defending his character because she feels that they have been "locked up all day" are edited out, as is another of Mr Kyle's insults "you slouching little idiot". Whilst many of these insults are very much part of the show and potentially expected by the audience, when the couple suggest that they will get engaged Mr Kyle asks the participant, "Have you bought a ring or - stolen one?" to which the participant is quite clearly distressed at being accused of theft. This part of the show, where Mr Kyle is accusing the participant of breaking the law, is edited out of the broadcast version.

When the participants leave the stage the continuity is compromised by an issue with the auto-cue, and audience booing and jeering is reconstructed under the direction of Mr Kyle, "a little less booing and the "off off off" quite quietly and then it drops down". Mr Kyle is clearly heard to say, "Director you be quiet, just point the cameras".

Psychological distress

It is deeply concerning from a psychological perspective the level of humiliation, denigration and provocation that a participant is subjected to but has become normalised in expectations of a show that has been on air over a period of 14 years and has dealt with thousands of guests (admittedly not all of them in the manner seen here). In this extract, there appears to be a character assassination of

the participant that uses some inferences without substance, in particular where Mr Kyle infers that the participant has engaged in criminal activity, failing to work/secure employment and is highly unusual in his physical bodily presentation (outside the norm). Mr Kyle seeks to provoke and antagonise throughout his interactions, appropriating the support of audience members, sitting next to one guest and saying, "Me and me mate here are losing the will to live". Whilst the participant's interactions are less than positive, he is not appearing in any capacity as a public figure or schooled presenter and is clearly a vulnerable young man, who has no experience of appearing on national television. The participant clearly responds quickly to the audience and to Mr Kyle's antagonistic and style. The staging, presenter's use of power dynamics and language, serve to demean and humiliate both guests on stage, whilst using the audience as collaborators in this bullying methodology.

The Broadcast Code

Whilst Ofcom are currently reviewing their guidelines (which do not yet capture the need for 'due care' to be applied to participants over 18 in programme making) there are areas which can be compared to their current expectations. Under Section 7.2 of the current code programme-makers should normally be fair in their dealings with potential contributors, unless exceptionally, it is justified to do otherwise'. Under 7.3 of the broadcasting code, contributors should be informed of expectations including 'the areas of questioning' and 'be made aware of any significant changes of the programme as it develops'.

From ITV's evidence given to this Inquiry, there is a suggestion that this treatment is mitigated by the fact that participants are often long-time audiences of the show and therefore fully aware of the 'context' which should inform their expectations. It would seem that the blurring of the relationship between audiences-at-home and audiences-as-participants is being used as foil to prevent participants from receiving appropriate levels of respect and fair treatment.