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**S4C Vulnerable People Policy**  
January 2024

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**CONTENT**

1. Introduction and Purpose
2. Commissioning
3. Consents
4. Capacity
5. Working with Vulnerable People
6. Privacy
7. Anonymity
8. Aftercare
9. Online Activity and Social Media

Appendix 1: Safeguarding Vulnerable People Self Declaration Form

**THIS DOCUMENT IS AVAILABLE IN WELSH AT**

<https://www.s4c.cymru/cy/cynhyrchu/page/1154/canllawiau/>

## **1. Introduction and Purpose**

- 1.1 The purpose of this Policy is to provide consistent and clear guidance and to set out S4C's expectations as to how S4C aims to ensure that Vulnerable People are given a voice within a responsible environment consistent with the principles of the Ofcom Broadcasting Code. Although drawn up on the basis of relevant law and guidance, this Policy is not intended to provide legal advice. Producers and external suppliers should seek their own legal advice.
- 1.2 S4C Staff (including all employees, freelance staff, agents, consultants, volunteers and others working on behalf of or providing services to S4C) should consult the S4C Legal Department for any specific legal queries in relation to the welfare of Vulnerable People.
- 1.3 This Policy deals with vulnerable people, which includes both vulnerable adults and children. However, when dealing specifically with Children, the S4C Child Protection Policy available on S4C's production website should also be consulted.
- 1.4 The Ofcom Broadcasting Code states that the meaning of "Vulnerable People" varies, but may include those with learning difficulties, those with mental health problems, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill. This list is not exhaustive as vulnerability can be found in people of old age or when encountering what they perceive to be situations outside their comfort zone. People who are very recently bereaved may also be deemed to be vulnerable.
- 1.5 When working with Vulnerable People and in particular when featuring them in our output, S4C is committed to ensuring that its duty of care to those people is properly discharged.
- 1.6 All S4C Staff whose activities bring them into contact with vulnerable people will be required to sign the declaration contained in the Safeguarding Vulnerable People Self Declaration Form attached at Appendix 1.

## **2 Commissioning**

- 2.1 As part of the commissioning process, producers should discuss with the relevant commissioner, any intention to include Vulnerable People in the programme so that S4C can monitor that the appropriate safeguards are in place.
- 2.2 Where appropriate, and in consideration of the nature of the programme, the producer should prepare a protocol detailing the steps the producer will take to ensure the welfare of vulnerable people contributing to the programme ("the Protocol").
- 2.3 S4C requires that the Protocol applies the principles noted in this policy to the circumstances of the production. The production company should refer to S4C's guidance on contributor welfare also.
- 2.4 The producer should provide S4C with the Protocol before production of the programme commences.

## **3. Consents**

- 3.1 When planning to work with Vulnerable People specific consideration should be given to how the necessary consents should be obtained i.e. the consent to film and

broadcast such individuals. Vulnerable contributors need all the information given to contributors generally as part of the consent procedure.

- 3.2 It is necessary to consider whether the contributor has capacity to give properly informed consent. The vulnerability may mean that they are unable to make a judgement either due to a mental disorder, brain damage, learning disability, trauma, severe or terminal illness, bereavement, If it is deemed that a Vulnerable Person does not have the capacity to provide informed consent or their condition is unstable and subject to sudden deterioration then permission should be sought from someone over 18 with primary responsibility for their care , unless it is warranted to proceed without it.
- 3.3 Similar to the principles of child protection, as a rule of thumb, Vulnerable People should not be asked questions about private matters (see below), matters likely to be beyond their capacity or likely to put them at risk without the consent of their primary adult carer.
- 3.4 In some situations it may be necessary to consult with the Vulnerable Person's professional adviser, for example GP or psychotherapist.
- 3.5 If there is any doubt as to who is able to provide the required consent then advice should be sought from the S4C Legal Department.
- 3.6 The considerations surrounding consent should be a continual process throughout the production or relevant engagement. If the nature of the production changes then the Vulnerable Person and/or their primary adult carer should be consulted to check that consent still stands. Similarly, if the Vulnerable Person's condition deteriorates during the course of the production, then serious consideration should be given as to the suitability of a) continuing to work with the Vulnerable Person, and b) the use of the content i.e. suitability to transmit. The primary consideration should be the Vulnerable Person's welfare during filming, on transmission and even beyond therefore it is important to maintain a dialogue with the Vulnerable Person and/or their primary adult carer.

#### **4. Capacity**

- 4.1 A person's capacity refers to their capacity (or lack of it) to make an informed decision based on the information available to them relevant to the decision. A person is deemed unable to make a decision if; they are unable to understand the information relevant to the decision, or are unable to retain and weigh that information as part of the process of making the decision, or are unable to communicate their decision effectively (whilst understanding the implication of that decision) whether by talking, using sign language or any other means.
- 4.2 If it is unclear that a Vulnerable Person has sufficient capacity to consent to filming and/or broadcast of the content then it is advisable to have that individual assessed by an independent professional with expertise in that particular condition or area of disability.
- 4.3 If a Vulnerable Person is deemed to have capacity then the purpose of the production or filming and nature of the programme should be clearly explained to the individual by a trained member of the production team and/or a relevant expert and in the presence of the Vulnerable Person's primary adult carer.

- 4.4 It may be appropriate for the Vulnerable Person and/or their primary adult carer to be allowed the opportunity to view the relevant content and be given the opportunity to ask questions and comment on the content and how it portrays the Vulnerable Person. It can be a good idea to set out the purpose of the filming in a letter which can then be provided to the Vulnerable Person and/or their primary adult carer.
- 4.5 If a Vulnerable Person is deemed not to have capacity and thus unable to give informed consent or they may become incapable of giving informed consent due to a sudden deterioration of their condition, S4C has a duty, together with the primary adult carer, to consider the impact of broadcasting the content on the Vulnerable Person. Advice should be sought from the S4C Legal Department as to appropriate steps to be taken.

## **5. Working with Vulnerable People**

- 5.1 It may be necessary to obtain advice from those who are familiar with the Vulnerable Person and the nature of their condition (this might include members of family, appropriate members of the individual's multi-disciplinary team such as a social worker or care co-ordinator, or an Independent Mental Health Advocate/Independent Mental Capacity Advocate) to better understand their behaviour and how best to respond to that behaviour.
- 5.2 It may be necessary for production staff to acquire appropriate training or guidance to enable them to deal with challenges that arise when working with vulnerable people appropriately. Technicians and crew members should be briefed on working with vulnerable contributors to enable them to work sensitively during production.
- 5.3 S4C has a duty of care to ensure that Vulnerable People have sufficient support throughout the production. Vulnerable People, their primary adult carers and/or their families should be consulted regularly in order to keep abreast of the Vulnerable Person's situation and for help and support where necessary.
- 5.4 Producers should consider whether the final edit of any filmed content should be shown to the Vulnerable Person and/or their primary adult carer prior to broadcast, to give them the opportunity to discuss any concerns and consider the effect of the broadcast itself. However, the Vulnerable Person should not be misled to believe that they have editorial control over the content.
- 5.5 Depending on the nature of the filming and the nature of the programme, consideration should be given to whether the filming process itself could have an adverse effect on the welfare of the Vulnerable Person. It may be appropriate to consult with those with specialist knowledge of the needs of the Vulnerable Person to determine how best to minimise any harm and distress placed on the Vulnerable Person, and to consider strategies to deal with any possible scenarios which may occur during production.
- 5.6 If the Vulnerable Person shows signs of distress as a result of the filming or due to the presence of the crew, careful consideration should be given to suspending filming to take advice and make adjustments as required by the circumstances.. In accordance with clause 4.4 above, an expert should be consulted in advance to determine which actions should be taken should the Vulnerable Person show signs of worry during filming but when this is integral to the narrative and/or is characteristic of the Vulnerable Person's fragile state.
- 5.7 Some matters/issues may become evident during production and the final decision on whether or not to include the material must consider how it would effect the individual,

how well known is the information in the individual's immediate community, and what support is available to them now and going forward.

As a result of revealing aspects of individuals' characters, some vulnerable contributors may be exposed to criticism in the press, on the internet or social media. This may have a negative psychological impact on individuals and so, when necessary, psychological assessments may be required to ensure that individuals are robust enough to cope with any possible consequences of the experience.

- 5.8 In order to provide evidence of how vulnerable contributors' safety and welfare has been dealt with, it is good practice to document this information.

## **6. Privacy**

- 6.1 If content features the disclosure of personal information regarding a Vulnerable Person it may be appropriate to secure the consent of the Vulnerable Person to such disclosure as well as the consent of their primary adult carer. There are limited circumstances where it is justifiable to proceed without the consent of the Vulnerable Person, but it will still be necessary to secure the consent of the Vulnerable Person's primary carer in any event. In such circumstances, each case will be judged on its own merits, and it is recommended that S4C's legal department are consulted in those circumstances.
- 6.2 It should be considered whether the content could reveal information regarding the identity and location of the vulnerable contributor and information relating to the vulnerable contributors, their carers, friends or other relation should be protected by appropriate measures.

## **7. Anonymity**

- 7.1 In some instances, it may be considered whether anonymity should be granted to vulnerable contributors. This should only be offered if there is an editorial justification for doing so and the extent of the anonymity must be agreed. It should also be ensured that the anonymity can be honoured before agreeing to grant the right.
- 7.2 Victims and alleged victims of offences including rape and most offences with a sexual element have a lifelong right to be identified as victims of those offences regardless of whether the alleged crime has been reported to the police. Victims and alleged victims of female genital mutilation, forced marriage and human trafficking are legally entitled to automatic anonymity in relation to the offences. Additionally, teachers accused of a criminal offence against a registered pupil at their school are entitled to lifelong anonymity but this right can be lifted in various circumstances.

## **8. Aftercare**

- 8.1 If the nature of the content means that vulnerable contributors and all other contributors, will be put in pressurised or exposed situations, discussions should be held between Producers and relevant Commissioners to establish a plan for aftercare from the outset.

## **9. On-line Activity and Social Media**

- 9.1 Online safety should be considered when working with a Vulnerable Person. Depending on the nature of the programme and the nature of the contribution of the Vulnerable Person, there may be an increased risk to the Vulnerable Person of suffering online harassment or bullying, and this should be assessed and mitigated where possible.
- 9.2 If the Vulnerable Person owns social media accounts then it is advised that the appropriate use of those social media accounts is discussed with the Vulnerable Person and/or their primary adult carer and in some cases it may be appropriate for those social media accounts to be temporarily suspended.
- 9.3 If the Vulnerable Person does continue to engage in social media activity during filming and/or broadcast, be it as part of the engagement itself or in general, then the Vulnerable Person and/or their primary adult carer should refer to 'S4C's Online and Social Media Guidelines for Contributors' for best practice.

## **APPENDIX 1**

### **S4C**

#### **Safeguarding Vulnerable People Self Declaration Form**

S4C [and **[insert name of company if relevant]** (the "Company")] is committed to safeguarding the welfare of Vulnerable People.

**[insert name of individual]** ("You") will be required to complete this form if you undertake a role that fits either criteria A or B below:-

#### **Criteria A**

Your role will involve working directly with Vulnerable People in a situation where a standard or enhanced DBS certificate can legally be requested i.e. where the position is one that is 'exempt' from the Rehabilitation of Offenders Act 1974 as listed in the Rehabilitation of Offenders Act 1974 (Exemptions Order) 1975 as amended. This includes those undertaking Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) as amended by the Protection of Freedoms Act 2012 (PFA).

You are required to disclose all convictions (spent and unspent), cautions, reprimands and final warnings and any other relevant non-conviction information which are not eligible for filtering.

#### **Criteria B**

Your role does not usually involve working with Vulnerable People but you may on occasion come into supervised contact with Vulnerable People. You do not need to disclose spent convictions in these circumstances.

#### **Self Declaration**

I declare that:-

1. I do not have convictions in the UK or in any other country.  
(You need to disclose all convictions including spent convictions if criteria A applies<sup>1</sup>)
2. I have never been subject to any disciplinary action or sanction in relation to Vulnerable People. My name is not on the Sex Offenders Register and I am not known to the Police or any Local Authority Social Services Department, or any employer, as being an actual or potential risk to Vulnerable People.
3. I confirm that I am not barred from regulated work with Vulnerable People pursuant to the Safeguarding Vulnerable Groups Act 2006.

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<sup>1</sup>If criteria B applies the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) provides that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Government Disclosure and Barring Service web).



4. If in the future any of points 1-3 apply then I will immediately inform S4C [and the Company].

S4C [and the Company] reserves the right to verify the information you have given on this form. By signing this form you consent to S4C [and the Company] processing and keeping the data for the purposes of Vulnerable People protection and the control of health and safety risk in accordance with Data Protection Laws and Regulations.

I confirm that I am committed to the aims and objectives of S4C [and the Company] in protecting and safeguarding Vulnerable People from abuse. I understand that to knowingly give false information or to omit information will be considered a breach of trust and could result in my dismissal and/or termination of my employment contract/contract for services at any time in the future. I declare that the information I have given on this form is correct.

Signed..... (You)

Dated.....

**If You are unable to make this declaration, You must inform S4C [and the Company] and You may not, depending on the circumstances be able to work on any programme which entails working with, or being in contact with Vulnerable People.**

### **Definitions**

A "child" is a person who is under 18 years old as stipulated in section 60(1) of the SVGA 2006.

A "vulnerable adult" is a person who is:

- 18 years or over; and
- the subject of regulated activity as defined by paragraph 7(1) of Schedule 4 to the SVGA 2006.