

CHANNEL 4 REVIEW OF CELEBRITY BIG BROTHER JANUARY 2007: FINDINGS AND RECOMMENDATIONS

Introduction

Luke Johnson (Chairman) and Andy Duncan (Chief Executive) commissioned a review into the events surrounding the broadcasting of *Celebrity Big Brother* in January 2007. The programme attracted record numbers of complaints and media interest and comment on an unprecedented scale and led to an investigation by Ofcom into whether there had been any breaches of the Broadcasting Code. In the light of these events the Channel wished to understand what lessons could be learned for the future. The review took place at the same time as the Ofcom investigation, and was designed to complement their investigation, not to duplicate or usurp Ofcom's jurisdiction and role.

The review was conducted by Tony Hall, non-Executive Director of Channel 4 and formerly the Director of News and Current Affairs at the BBC and an experienced television producer and commissioner, Rabinder Singh QC, a senior barrister from Matrix Chambers who specialises in human rights law and is a leading expert in discrimination and equality legislation and Anne Bulford, the Channel 4 Group Finance Director, supported by Paula Carter, an experienced independent broadcasting consultant. Luke Johnson and Andy Duncan asked the review panel to examine the processes supporting the editorial and compliance decision making, the systems for handling, analysing and promulgating viewer complaints and the communication processes within the Channel, to stakeholders and with the media.

The review considered many hours of broadcast and non broadcast material, and tracked the viewer response by looking in some detail at the time each comment was received as well as the nature of the comment itself. Over forty people involved in the production of *Celebrity Big Brother* were interviewed, and the production procedures were tested against an account of events produced using these interviews. The media coverage of the series has been examined, and the Channel's procedures for media briefing and incident handling tested using this analysis and interviews with the relevant staff.

The Panel's report was considered by the Channel 4 Board in April 2007, who accepted its findings and recommendations.

Summary of Conclusions and Recommendations

Analysis of viewer responses shows that the biggest single common theme amongst complainants was an apparent lack of action taken by Channel 4 or Big Brother to intervene forcefully to reprimand housemates for perceived racist behaviour. The significant lesson for Channel 4 and Endemol is that great offence was caused by the broadcast of several comments made by housemates, irrespective of their motivation. Channel 4 appeared to be somehow condoning the behaviour of some of the housemates because interventions were felt to be too late or insufficiently forceful. Whilst the sister shows (*Celebrity Big Brother's Little Brother*, *Celebrity Big Brother's Big Mouth*, *Celebrity Big Brother's Big Brain* and *Diary Room Uncut*) provided some context for the difficult issues raised by the series, Channel 4's contribution to the debate was not widely acknowledged, partly because of the profile and scheduling of these shows.

For future series, the Panel recommends

- The *Big Brother* rules be updated to include a clearer explanation of what might constitute unacceptable behaviour and the procedures for dealing with such behaviour in the diary room should be formalised.
- The Channel introduce an additional editorial perspective, supporting the existing legal and compliance system, who could consider the Channel's output against its editorial objectives and the broader expectations of audiences and stakeholders. This would support the editorial input currently available to Commissioning Editors, Channel Heads, Director of Television and, where appropriate, the Chief Executive and bring the voice of viewers to editorial decisions, including *Big Brother* interventions.
- The Channel find more ways to acknowledge and contribute to public debate provoked by its programmes and reflect viewers' responses in the immediate aftermath of programmes provoking significant viewer reaction. This should include an assessment of the scheduling, visibility and style of *Big Brother* sister programmes for these purposes and consideration of other opportunities to invite and discuss audience opinion, building on current use of blogs and forums and including the use of one-off debate programmes.

Brighter Pictures (Endemol) are responsible for producing *Big Brother* but, as broadcaster, Channel 4 must have reliable and up to date information on events taking place in the House that will inform editorial judgements about what is included in and excluded from the main edited evening show, as well as what interventions are appropriate for editorial or welfare reasons or necessary for compliance reasons. Established procedures are in place to refer information through Endemol to Channel 4, but during this series, three significant conversations over a one hour period were not referred to senior members of the Endemol team and to Channel 4 as required.

For future series, the Panel recommends

- Channel 4 and Endemol develop operating procedures that allow Endemol to produce the programme while sharing with Channel 4 the information that is already compiled on all the events that are taking place within the house, whether broadcast or not.
- Endemol tighten its existing procedures to ensure there is more accurate, complete and timely information flowing up its referral chain to Channel 4.
- Channel 4 increase the number and seniority of its staff on site during the series on a permanent basis, to allow closer monitoring of day to day events in the House.

Whilst Big Brother has been associated with controversy in the past, all those at Channel 4 and Endemol were shocked at the speed and scale of the media reaction in the second period of the series (the week beginning Monday 15th January). In that week Channel 4 used press statements to communicate with the media and the public, until Andy Duncan led a press conference on Thursday 18th January. The absence of a public spokesman earlier made it more difficult for Channel 4 to explain its justification for broadcast.

For the future, the Panel recommends

- The Channel brings together information about and reporting on Channel 4 audiences on a regular basis, drawing together Viewer Enquiry information, research information, information from forums and discussion sites and individual programme contact with audiences. This should include the active monitoring of sites such as YouTube and debates taking place on these and other similar sites.
- The introduction of a formal early warning system to indicate quickly when an unusual number of complaints have been triggered by an event or programme.
- Channel 4 formalise its alert and escalation procedures based on accurate and speedy information coming from programme, legal, viewer and media sources including an agreed procedure to bring together an appropriate group to manage crises.
- The Channel introduce procedures to ensure that those involved in programme making, the management team, the Chief Executive and the Chairman have all the information needed to explain and, if necessary, defend the output of the Channel in public, and that there are processes to escalate the public face of the Channel up through this chain.
- Channel 4 develop its policy for public accountability to include the use of its television and online channels, the role of individual commissioners in being publicly accountable for the programmes they commission and how best to explain to the viewing public and

stakeholders the contribution of polarising programmes like *Big Brother* to the Channel's remit and mission.

The audience reaction to this series of *Celebrity Big Brother* exposed complex issues about race with deep roots in British society. Channel 4 has always had an important role to play in reflecting and contributing to a multicultural society, and, while *Celebrity Big Brother* was not designed to stimulate this debate, the fact that it has done so provides Channel 4 with an opportunity to strengthen and deepen its contribution to multicultural Britain.

For the future, the Panel recommends

- Channel 4 commission a programme of research to understand better the phenomena of racism and xenophobia within Britain today and use this to inform future programme commissioning as well as making a contribution to a debate of national importance.
- Channel 4 consider how to access appropriate advice in this area on an ongoing basis, that could be called upon by commissioning editors and complement the advice they currently receive from the legal and compliance team. This may involve a dedicated post or posts within the Channel or a panel of appropriate impartial experts.
- The training given to all those involved in the production of *Big Brother* be expanded to include more specific coverage of equality and diversity issues and how to recognise and deal with them within the *Big Brother* format.

The review found no evidence that the specific tensions between Shilpa Shetty and others in the House had been deliberately engineered or that anyone involved wanted to give offence to viewers. The Channel did not treat the matter lightly or negligently - decisions to broadcast were taken after considerable debate both within the Channel and with Endemol and with input from the most senior staff in the editorial and legal and compliance teams. Nor did the review find any evidence that, once those tensions became apparent, Channel 4 saw them as a source of financial benefit or allowed them to escalate in order to increase ratings.

The *Big Brother* Format

Celebrity Big Brother and *Big Brother* are produced for Channel 4 by Brighter Pictures, part of the Endemol Group. This most recent series was the fifth *Celebrity Big Brother* and the twelfth of the *Big Brother* format since its introduction seven years ago. There was a team of between 300 and 350 people involved in the production of *Celebrity Big Brother 5*, based on the site at Elstree, including a Commissioning Editor from Channel 4 and a team who ensured the compliance of the streamed material, also hired by Channel 4.

The team formed initially in the summer when the task of booking celebrities commenced. The shortlist of celebrities was discussed before Christmas, and finally agreed by Channel 4's Director of Television shortly before the programme went on air on 3rd January 2007. In December, there was the usual period of training for all the staff involved in the production of a *Big Brother* series, both practical training in how to run the House and produce the programme and legal and compliance training in what could and could not be broadcast. The legal and compliance training was run by experienced members of the Channel 4 Legal and Compliance team, and the production training was run by four senior Endemol producers, who were also experienced *Big Brother* producers. The training is a well established part of any *Big Brother* programme and draws upon previous experience and previous Ofcom rulings to establish and update the ground rules for making the programme.

The *Big Brother* format has at its heart a list of twelve rules that govern the behaviour of the housemates:

- There is no contact with the outside world
- Housemates are filmed 24 hours a day
- The diary room is the only place where *Big Brother* will engage in conversation with a housemate
- Housemates must go to the diary room when requested and make nominations for evictees– these may not be discussed with anyone else
- The public will decide who is evicted
- Housemates may not be physically violent towards other housemates
- All tasks are compulsory
- None of the furniture and fittings may be moved or tampered with
- Housemates must get up when they hear the alarm
- Housemates may not discuss previous series of *Big Brother* or *Celebrity Big Brother*, or members of the production team
- If housemates break the rules, they may be asked to leave
- *Big Brother* reserves the right to change the rules at any time

and two conventions that govern the nature of the edited programme that is produced:

- Nothing can be shown out of chronological sequence

- The edited highlights show must be a fair summary of what happened in the House the previous day

Transmission of *Celebrity Big Brother* 2007

In looking at what took place during the transmission of the series, events fall into three distinct segments:

- from Wednesday 3rd January to Sunday 14th January (period 1)
- from Monday 15th January to Friday 19th January (period 2)
- from Saturday 20th January to Sunday 28th January (period 3)

Period 1

There is common consensus amongst all involved that period 1 felt very much like “business as usual” for a *Big Brother* production. The introduction of the housemates into the house is often followed by a period when all the housemates are getting to know each other, which can be a relatively amicable time in the house. There was a “twist” included in the first week, which saw the housemates divided into two groups of “masters” and “servants” with the servants sent to a separate house and asked to wait on the masters without speaking to them. At the same time, the Goody family – Jade Goody, Jackie Budden and Jack Tweed – were introduced into the “masters” main house. The masters and servants idea based on a family was discussed in the summer of 2006, but the introduction of the Goody Family was created specifically for *Celebrity Big Brother* and agreed at an early stage in the casting process, prior to the casting of Shilpa Shetty.

The processes for running the house, producing the live streaming and making the evening reality show all appeared to have worked effectively, with a clear and shared sense of roles and responsibilities.

On Tuesday 9th January, Jackie’s description of Shilpa as “the Indian” was referred to Channel 4. This was not considered to be a racist comment, but one that stemmed from Jackie’s inability to pronounce Shilpa’s name and the tensions that had grown between her and Shilpa. Jackie was evicted the following day, and interviewed by Davina McCall live that evening, when she was challenged by Davina about her inability to pronounce Shilpa’s name.

On Sunday 14th January, the reactions of the housemates to the undercooking of a chicken escalated tensions between Jade Goody, Jo O’Meara and Danielle Lloyd and Shilpa – the young women were complaining to each other that Shilpa was controlling the cooking and deciding when and what everyone should eat. Jo and Danielle made comments about cooking in India and eating with fingers that evening.

On Sunday 14th January, the Calcutta Supplement of the Times of India published an article with the headline “*Big Brother* has a Big Mouth” and the subhead “Actor Shilpa Shetty gets called a f*****g paki on camera”. This referred to a bleeped out comment made by Jack Tweed to Jade about Shilpa and broadcast on the evening show on Thursday 11th January. While this show went out after the watershed, the word actually used (c***) is almost

always bleeped out in a 9.00pm show unless there is strong editorial justification to include it. On this occasion, it was routinely removed.

The media coverage of *Celebrity Big Brother* was seen to be normal for a series of *Big Brother* up to and including Monday 15th January.

Period 2 – the Programme

This period started with the regular morning review of the evening reality show on Monday 15th January. The reference to eating in India was discussed amongst the production and commissioning team, who felt it to be ignorant and stupid, but not racially motivated. The Daily Mirror reported “growing fears” that Shilpa was being bullied, reporting on comments from internet forums that this bullying may have been racist in origin and a call from an anti-racist campaign group for *Big Brother* to take action if there was evidence of racism.

On Tuesday 16th January, the editorial and compliance team at Channel 4 were aware of the growing press coverage and interest, which escalated significantly during the day. The team met to discuss whether press reports of racism had any foundation. They concluded that some unpleasant things had been said, but that the word “paki” had not been used, despite press and internet forum assertions to the contrary. It was felt that the principle of *Big Brother*, to show people “warts and all” should hold true and, although there had been some unpleasant incidents in recent days, there was nothing that the Channel should not have broadcast. The programme for broadcast on Tuesday night was sent down the line to Channel 4 to enable the senior editorial team and the legal and compliance team to consider it that afternoon before broadcasting that evening – this was an unusual step and indicative of mounting senior level scrutiny at Channel 4.

The “oxo cube” fight took place on Tuesday afternoon and was closely observed by all the Endemol production team. There was a sense that a row of this sort had been brewing and it was watched carefully to monitor the argument itself and any fall out. The Endemol team wanted to see how the housemates would deal with the protagonists and whether there would be any attempt to either chastise Jade, the aggressor or side with Shilpa, who was the focus of Jade’s anger. This, they felt, was the normal *Big Brother* way to deal with an argument of this magnitude. They expected housemates might spontaneously come to the diary room and also anticipated calling both Jade and Shilpa to the diary room later that evening to ask them how they felt about what had happened (an “exploratory” diary room).

Immediately after the fight, Shilpa, in conversation with Jermaine Jackson, had suggested that the reaction towards her could be racially motivated. This prompted a discussion amongst the Endemol production team, who felt that action in the House should be watched carefully with this in mind. The senior producers were asked to keep an objective eye on this.

After the row, Danielle said of Shilpa that she thought she should “fuck off home” and commented (in reference to a misunderstanding that Shilpa had said Jade needed *elocution* rather than *etiquette* lessons) that Shilpa didn’t speak English properly. The editorial and legal and compliance team felt that, notwithstanding the apparent ambiguity over the phrase, if it was to be broadcast Danielle should be given the opportunity of a right of reply and be invited to explain what she had meant. Irrespective of her motivation, it was felt that her comments were unacceptable and therefore merited an intervention in the form of a diary room discussion.

The diary room discussion with Danielle, in which she denied that her comments were racially motivated, finally took place at around 10.45pm, by which time some of the other housemates were asleep. Endemol felt they were not able to carry out the exploratory diary rooms with Shilpa and with Jade following the afternoon’s disagreement that would have been the usual response to an argument of this nature because they were planning for and then executing the diary room with Danielle. By the time this was resolved it was too late to do any other diary rooms.

Following the diary room, there were three more significant conversations that Channel 4 and senior members of the Endemol team were not aware of until several days later. All took place in the early hours of Wednesday morning, in the aftermath of the “oxo cube” row. The first occurred during the composition of limericks by a group comprising Jade, Jack, Jo, Danielle and Cleo Rocos. Jo, Jack and Jade contributed to a limerick in which, through the use of a rhyme by Jack, the word “paki” was implied, but not actually said. It was brought to the Channel’s attention by Endemol on the evening of Friday 19th January, the night of Jade’s eviction. This was discussed at Channel 4 at the most senior level and it was agreed that on the Saturday following Jade’s eviction, both Jo and Jack should be separately interviewed in the diary room about their respective roles in the limerick episode. While both housemates denied their comments were in any way racially motivated or that they intended to cause offence, it was decided to issue both housemates with a final warning. These reprimands were recorded but not broadcast, as the incident to which they referred had not been broadcast.

The second incident involved Jade being unable to remember Shilpa’s surname, and referring to her as “Shilpa Pashwa fucking whoever you are” and “Shilpa Poppadum”, the latter comment which she repeated when talking to Danielle the following day. Channel 4 did not become aware of this until the week following the end of the series, when reviewing some rushes of incidents that had been had requested from Endemol.

As a result, a senior editor familiar with *Big Brother* was asked to view the 96 hours of footage from Tuesday 16th January and Wednesday 17th January and editorial log searches were undertaken by Endemol to check for any more unbroadcast potentially racist comments. This viewing revealed the third incident - prior to the limerick and directly after the Danielle diary room, Jade used the expression “p-word” in speculating (wrongly) that Danielle might have been reprimanded for use of that word. This was not the case as she

had not used the word and Danielle made it clear to Jade she would never use this word. In fact Danielle had been asked by *Big Brother* what she meant by the “fuck off home” remark. Subsequent searches of the editorial log did not identify any use of the word “paki” or similar phrases in the recorded logs.

None of these three conversations were broadcast or proposed for broadcast, and none were referred to Channel 4. The Endemol senior team attribute this to miscommunication between themselves and the junior members of the team, not between Endemol and Channel 4.

On Wednesday 17th January, the “oxo cube” fight was watched as a rough cut by the team at Elstree and then sent to the senior editorial team at Channel 4 – this was a procedure that would be followed for the duration of the run. The team at Horseferry Road met on Wednesday afternoon and stayed together for most of the time until the end of Friday 19th January. When the team viewed the Wednesday night programme, the absence of an exploratory diary room with Jade and Shilpa was commented on but, by then (the day after the row itself), it was too late to carry these out.

At the House, on Wednesday morning, Jade repeated the “Shilpa Poppadom” comment in a conversation with Danielle, adding “Shilpa Daroopa” and a third comment that was thought by Endemol to be “Shilpa Fuckawallah”, although subsequent viewings suggest some ambiguity about what she actually said. The Channel 4 team at Horseferry Road were not aware of this until notified by Endemol on Thursday morning, who intended to include it in the rough cut to be viewed that morning, alongside an exploratory diary room discussion with Jade that had also taken place on Wednesday. The Channel 4 team felt this comment was sufficiently serious to merit a reprimand - a view subsequently shared by Endemol - and drafted the wording in conjunction with the Endemol team. Endemol arranged for this reprimand to take place later on Thursday evening, for inclusion in the Friday night broadcast. After the reprimand, Jade sought out Shilpa and apologised to her, which was also included in the Friday night evening programme.

After housemate nominations, both Shilpa and Jade were up for eviction on Friday and, as it became evident that Jade was most likely to be evicted, both Endemol and Channel 4 focussed their senior resources on managing the eviction in the safest and fairest way and ensuring the post eviction interview with Davina was appropriately handled.

By this stage, Channel 4 were taking an increasingly significant role in all elements of the production, and had sent three of the legal team and senior editorial staff to Elstree. The Channel 4 team were therefore able to manage all the elements of the Friday night live show, including having a member of the legal team present at the script meeting with Davina at which her questions were agreed. By the end of the second week, the editorial team had concluded that the earlier eviction interview with Jackie could have been more challenging, and wanted to ensure that Davina’s questioning of Jade was suitably robust. They also approved the pre-recorded material to be

played to Jade after her eviction and oversaw the live programme from the gallery.

All those involved in the production agree that this was some way from normal procedure, but was the top end of the referral procedure being used to manage the day to day production of the programme in a way that reduced referral time.

Period 2 – the Media

On Tuesday 16th January, the Daily Mirror ran a front page article - following up an article the previous day which had reported accusations of bullying and racism made by fans on internet forums - under the headline “Bigot Brother” , with sub heads “TV watchdogs to probe ‘racist’ abuse” and “Jade’s dumped by anti-bullying charity”. Several other papers reported that Ofcom had received over 200 complaints and the Times quoted Shilpa’s publicist as reported in Times of India on Sunday 14th January. Front page coverage is not unusual during a run of *Big Brother*, and this was handled by the team at Elstree. A press statement was prepared, which was released as part of the daily press briefing, stating Channel 4’s position on bullying and racial abuse and promising appropriate measures to reprimand individuals if necessary.

Allegations of racist bullying were reported on the BBC and ITV 10 o’clock news that evening, including an interview with Keith Vaz MP who had tabled an Early Day Motion in Parliament earlier in the day. On Wednesday morning, the coverage had spread to the front pages of all the tabloids and some of the broadsheets.

As an *ex post* regulator, Ofcom would not routinely notify any broadcaster of complaints made against it until it was ready to consider such complaints on a formal basis and invite a response from the broadcaster. On this occasion, there was informal contact between Ofcom and Channel 4 in the week commencing 15th January, with an exchange of information about complaints received and the broad nature of the complaints as well as numbers of complaints towards the end of the week. Ofcom was also providing information about the complaints it had received to journalists on request, placing such information into the public domain.

On Wednesday 17th January, Keith Vaz MP put a question to the Prime Minister regarding the programme during Prime Minister’s Questions, and there was media reporting of Gordon Brown’s visit to India. Coverage in the Indian media, as monitored by the Reuters Delhi Bureau, was building in a similar fashion to the UK, but had been influenced by a persistent misreporting that Jack Tweedy had called Shilpa a “f***** paki” on the programme. This had prompted scenes of protest in Patna where protestors had burnt effigies of *Big Brother*.

A further statement was released on Wednesday evening, but the Channel did not feel it necessary to put up a spokesperson. Andy Duncan was due to speak at a conference in Oxford the following day, and it was anticipated that

he would use this opportunity to comment publicly on *Celebrity Big Brother*. The lack of a spokesman on Wednesday night was compounded by Luke Johnson's refusal to be drawn into a comment on *Celebrity Big Brother* when, unexpectedly, he was interviewed about the BBC licence fee settlement on the Today programme on Thursday morning. Following the transmission of the "oxo cube" fight on Wednesday night, the media coverage on Thursday morning was hostile, and the lack of comment by the Channel was interpreted as tacit support for behaviour of some of the housemates at best and evidence of more venal motives at worst.

A press conference was arranged in Oxford for the afternoon of Thursday 18th January, at which Andy Duncan read a statement and answered journalists' questions. Channel 4 demonstrated that action had been taken in the House and journalists were shown a diary room statement from Shilpa in which she said she no longer thought the hostility towards her was racially motivated.

Period 3

Following the eviction of Jade, the programme and its production reached a calmer phase. Whilst there was still a high degree of scrutiny of every element of the production, both media coverage and viewer complaints were in decline, and the tension in the house had subsided. There was a shared sense of purpose between the production and commissioning team that the programme needed to be managed to a conclusion while minimising the risk of provoking any further adverse reaction. The degree of senior management involvement remained high and Channel 4 continued to view every programme at Horseferry Road and sent the senior commissioning and legal and compliance team to Elstree to oversee the two remaining live evictions on Friday and Sunday. By common consent, these new arrangements had become familiar to and were accepted by all involved during the remaining days of transmission.

On Monday 22nd January a routine Board meeting took place during which Luke Johnson presented a public statement which announced this review and included an expression of regret for any offence caused to viewers, regrets which were repeated on air by Davina twice during the final week of the series.

Key findings and Recommendations

The review found no evidence that the specific tensions between Shilpa Shetty and others in the House had been deliberately engineered or that anyone involved wanted to give offence to viewers. The Channel did not treat the matter lightly or negligently - decisions to broadcast were taken after considerable debate within the Channel and with Endemol and with input from the most senior staff in the editorial and legal and compliance teams. Nor did the review find any evidence that, once those tensions became apparent, Channel 4 saw them as a source of financial benefit or allowed them to escalate in order to increase ratings.

The review did, however, identify significant lessons for the future and recommended improvements to the processes supporting editorial and legal and compliance decision making, the systems for handling, analysing and promulgating viewer complaints and the communication processes to stakeholders and the media are summarised below.

Processes supporting editorial and legal and compliance decision making

Procedures for Producing the Programme

The procedures to make the programme are designed to stimulate, track, and highlight material that shows the narrative of events in the House, and is most likely to make exciting viewing. Such material will then be offered to the Channel as a rough cut for the edited evening highlights show. The current arrangements keep the Channel at some distance from the decision making processes that generate material for the show and do not anticipate or easily allow Channel 4 to see what else might have been included.

Custom and practice for *Big Brother* interventions in the House have developed over the preceding eleven series. Notwithstanding the involvement of Channel 4 in several *Big Brother* interventions in this series, there is no formal agreed policy, nor any formal mechanism to involve Channel 4 in *Big Brother* diary room interventions.

The *Big Brother* concept is now much greater than a linear edited television programme – it includes live elements of the main programme, live ‘sister’ shows, live streaming and daily audience interaction in the form of *Big Brother* forums and audience contribution to the sister shows. In this environment, Channel 4 needs reliable and up to date information on events taking place in the house that will inform editorial judgments about what is included in and excluded from the main edited show as well as what *Big Brother* interventions are appropriate.

During this series, a small number of key conversations in a one hour period over Tuesday 16th January night and Wednesday 17th January morning were not tracked or referred up to the Endemol senior team or to Channel 4. The housemates involved were reprimanded once the incidents were discovered,

but neither the incidents nor the subsequent reprimands were broadcast, given the delay in referral. This was a serious failure of the Endemol referral procedures, that deprived Channel 4 of the opportunity to ask that the housemates concerned were warned and reprimanded at the time, warnings which could then have been broadcast alongside the remarks themselves.

Whilst there is constant monitoring of all that goes on within the House by Endemol, Channel 4's close involvement is also needed. Endemol are principally driven to intervene when they feel a duty of care to the housemates, for example in the case of threats of violence, rather than on the grounds of possible offence to viewers. During the first week of this series, two commissioning editors, working on a shift basis, represented the Channel at Elstree, and this placed a heavy burden on these two individuals. In the second week, more editorial and legal and compliance staff were on site to ensure that the Channel's perspective was heard.

Channel 4 and Endemol need to agree new operating procedures that allow Endemol to produce the programme while sharing with Channel 4 the information that is already compiled on all the events that are taking place within the house, whether broadcast or not.

Endemol should tighten its existing procedures to ensure there is more accurate, complete and timely information flowing up its referral chain to Channel 4.

Channel 4 should increase the number and seniority of its staff on site during the series on a permanent basis, to allow closer monitoring of day to day events in the House.

Channel 4 and Endemol should update the *Big Brother* rules to include a clearer explanation of what might constitute unacceptable behaviour, and the procedures for dealing with such behaviour in the diary room should be formalised.

The strength of the legal and compliance team at Channel 4, their deep involvement in the production of all the programmes and their effectiveness in working to ensure that all the material that is broadcast is compliant with the Ofcom codes and within any other relevant laws was obvious to the review team. While acknowledging this as a considerable strength for Channel 4, the review team considered whether other perspectives need to be added to the editorial decision making processes in the broadcasting chain. This could be characterised as someone asking the question "why are we broadcasting this?" as a counterweight to the obvious dynamic within a reality show to broadcast as much as is possible within the constraints of the law and the Code. This would give an additional editorial perspective, independent of the current process, which looks beyond the need to get a programme to air and considers the wider impact on viewers and the reputation of the Channel. Such a perspective could, in future, have an input into any possible interventions in the House by *Big Brother*.

Channel 4 should introduce an additional editorial perspective, supporting the existing legal and compliance system, who can consider the output against the Channel's editorial objectives and the broader expectations of its audiences and stakeholders. This would support the editorial input currently available to Commissioning Editors, Channel Heads, Director of Television and, where appropriate, the Chief Executive and bring the voice of viewers to editorial decisions, including *Big Brother* interventions.

Providing Context

It is important that, in recognising the risk that a reality format such as *Big Brother* will result in broadcasting unpleasant and potentially offensive housemate behaviour, the Channel is able to provide the necessary context to audiences and thus avoid any inference by viewers that it is condoning such behaviour.

Tracking research shows that audiences coming to Channel 4 programmes are very familiar with the values of the broadcaster and this will condition their reaction to what is broadcast. While it may be difficult to categorise *Big Brother* within a particular programme genre, the media coverage and viewing figures over seven years mean that the format and mechanisms of the programme are well known to both viewers and non viewers. The majority of viewers choosing to watch the programme will be familiar with the “warts and all” nature of the show and the voting mechanism that allows viewers to respond to what they see.

The *Big Brother* sister shows (*Celebrity Big Brother's Little Brother*, *Celebrity Big Brother's Big Mouth*, *Celebrity Big Brother's Big Brain* and *Diary Room Uncut*) provide further context – they are able to debate events that have taken place in the House, invite comments from audience members and experts and speculate as to the motivation and likely next actions of the housemates. They are therefore an important way of acknowledging audience reaction to the programmes and airing alternative views on difficult and sensitive subjects such as racism, homophobia or bullying, all of which have been raised by *Big Brother* over the past seven years.

Notwithstanding their knowledge of the programme, viewers - many of whom described themselves in their complaints as *Big Brother* fans - did appear to have decided the Channel was somehow condoning the behaviour of some of the housemates. The biggest single common theme amongst the complaints was a perceived lack of action taken by Channel 4 or *Big Brother*, and, amongst fans of the show, a sense that this was at odds with previous interventions by *Big Brother*.

The Channel could have done more to reflect and debate the views of the *Big Brother* audience in the immediate aftermath of the programmes themselves on the main channel, to provide the necessary context for viewers.

Channel 4 needs to find more ways to acknowledge and contribute to public debate provoked by its programmes and reflect viewers' responses in the immediate aftermath of programmes provoking significant viewer reaction. This should include an assessment of the scheduling, visibility and style of *Big Brother* sister programmes for these purposes and consideration of other opportunities to invite and discuss audience opinion, building on current use of blogs and forums and including the use of one-off debate programmes.

Systems for handling, analysing and promulgating viewer complaints

Viewer reaction

Complex issues around the nature of racial offence, which this series of *Celebrity Big Brother* brought to the surface, were considered by the review. Channel 4 has an important role to play in promoting a culturally diverse society, as is made clear in its public service remit, and it is important that lessons can be taken from this review to avoid giving offence (even if unintentional) to groups within a culturally diverse society in the future.

The genre of reality television has built a very strong presence in modern schedules, and the public appetite for such shows has been matched by a high level of tolerance of behaviour that would not normally be expected in other entertainment genres and that is possibly at odds with what might be tolerated more broadly within British society. This particular programme raised to the surface a strength of feelings amongst the *Celebrity Big Brother* audience that, while unforeseen, should be acknowledged in future editorial decisions.

Those involved in making the programme had many detailed debates about particular comments made by housemates, and felt themselves to be caught between a concern that the comments may have had a racist or xenophobic element, and a proper desire not to attribute or be seen to attribute such motives where none may have existed. The significant lesson for the Channel and for Endemol is that great offence has clearly been caused, irrespective of the motives of those making the comments or the reaction of the recipient. This is consistent with the current interpretation of the laws on racial discrimination, which do not require a racist intention or motivation. It is also consistent with good practice in equality and diversity, which recognises that offence may be caused by apparently racial or xenophobic remarks even if not intentional or motivated by hostility.

The review team recognises the importance of freedom of speech and the right of Channel 4 to broadcast programmes that may, from time to time, offend those who disagree with views expressed in its programmes. However, it is important to differentiate between the mere giving of offence because a broadcast criticises (perhaps robustly) strongly held views or beliefs, and offence caused by racist or xenophobic comments, or indeed comments based on gender or disability or sexuality. Beliefs are, in a democracy, legitimately challenged. However, to be offensive about somebody because of their ethnic or cultural origins or other factors which they cannot change, is unacceptable in a modern pluralistic society, and, if broadcast, needs careful consideration and appropriate context. The fact that this distinction was not clearly made at an early stage lay at the root of the reaction triggered by the programme.

The audience reaction to this series of *Celebrity Big Brother* was highly unusual in the experience of the Channel, the regulator and the broadcast industry. In many areas of society, citizens, customers and consumers are being encouraged to voice their views and interact with those providing services, both commercial and non commercial. The internet and the instant

information that it facilitates enables campaigning, petitioning and corralling of information by disparate groups of individuals which brings with it an increasing assumption that views expressed in this way will not only be heard, but will have some impact.

The strength and volume of the audience reaction does indicate that many viewers perceived that what was said to and about Shilpa Shetty went beyond what they had seen in previous programmes and prompted an expectation of intervention and admonishment that was not fulfilled.

This is a complex area that has deep roots within British society. Channel 4 has always had an important role to play in reflecting and contributing to a multicultural society, and, while *Big Brother* was not designed to stimulate this debate, the fact that it has done so provides Channel 4 with an opportunity to strengthen and deepen its contribution to multicultural Britain.

The Channel should commission a programme of research to understand better the phenomena of racism and xenophobia within Britain today and use this to inform future programme commissioning as well as making a contribution to a debate of national importance.

The Channel should consider how to access appropriate advice in this area on an ongoing basis, that could be called upon by commissioning editors and complement the advice they currently receive from the legal and compliance team. This may involve a dedicated post or posts within the Channel or a panel of appropriate impartial experts.

Channel 4 should expand the annual training for those who work on *Big Brother* at all levels to include specific coverage of equality and diversity issues and how to recognise and deal with these within the *Big Brother* format.

Information on viewer responses

The Channel 4 Viewer Enquiry unit provides a service to viewers who wish to contact the Channel by phone, e-mail or letter to make a complaint, enquire about a programme, ask a general question, give positive feedback or report a technical fault. All contacts are recorded and a summary for the day is distributed within the Channel. Many thousands of complaints were made about the programme to the Viewer Enquiry Unit from Monday 15th January onwards, and Channel 4 was also aware of the number of complaints made to Ofcom during the same period.

As well as the complaints made to the Viewer Enquiries unit, many thousands more were e-mailed to addresses given on the various *Big Brother* websites. These mail boxes had been set up at the request of the Endemol production teams responsible for the various *Big Brother* programmes, and were used to enable viewers to respond to competitions or contribute to the programmes themselves. This system was not set up to deal with the volume of e-mails of complaint that were received during the week of 15th January, and the inboxes

quickly became full. Retrospective analysis has assigned these complaints back to the dates and times they were actually sent, but the delay caused by the unexpected use of these emails meant that a complete and accurate picture of the number and build up of complaints sent to Channel 4 was not available to the Channel during the week commencing 15th January. These problems were addressed during the course of the final week and new procedures have been put in place for use of e-mails in future series.

Information on viewer criticisms of the programme was also available from the New Media team, who are responsible for managing the contractor running the *Big Brother* forums. The contractor advised Channel 4 that postings were raising the issues of racism and bullying, and posters were questioning why the Channel was not intervening. Further viewer criticisms were being posted on sites such as YouTube, accompanying extracts from various programmes.

The Channel should consider how to bring together information about and reporting on Channel 4 audiences on a regular basis, drawing together Viewer Enquiry information, research information, information from forums and discussion sites and individual programme contact with audiences to paint a detailed picture of how audiences are reacting to and interacting with Channel 4 programmes, and any trends that are relevant to how the Channel commissions and schedules its programmes and channels. This should include the active monitoring of sites such as YouTube and debates taking place on these and other similar sites. A more active sampling of debates about programmes such as *Celebrity Big Brother* taking place online may provide a useful additional early warning system of significant viewer reaction in the future.

The Channel should introduce a formal early warning system to indicate quickly when an unusual number of complaints have been triggered by an event or programme.

Communication processes within the Channel, to stakeholders and with the media.

While *Big Brother* has been associated with controversy in the past, all those involved at Channel 4 and Endemol were shocked by the speed with which the media reaction mushroomed over Wednesday 17th and Thursday 18th January. On Wednesday, the coverage tipped from a domestic story about *Celebrity Big Brother*, which was not unfamiliar territory for the Channel, to a much wider debate about race relations centred on Channel 4 that led the main evening news programmes.

Following the transmission of the “oxo cube” fight on Wednesday night, the media coverage on Thursday morning was hostile. The Channel released a press statement on Wednesday afternoon, but did not think it was necessary to put up a spokesperson. The apparent lack of comment by the Channel on Wednesday night and by Luke Johnson on the Today programme on Thursday morning was interpreted as tacit support for the behaviour of some

of the housemates at best and evidence of more venal motives at worst. Andy Duncan led a press conference in Oxford on Thursday afternoon, but, by that stage, editorial positions had hardened towards the Channel.

Going forward, the Channel needs better processes to ensure that those involved in programme making, the management team, the Chief Executive and the Chairman have all the information needed to explain and, if necessary, defend the output of the Channel in public, and that there are proper processes to escalate the public face of the Channel up through this chain.

Channel 4 should develop its policy for public accountability to include the use of its television and online channels, the role of individual commissioners in being publicly accountable for the programmes they commission and how best to explain to the viewing public and stakeholders the contribution of polarising programmes like *Big Brother* to the Channel's remit and mission.

The Channel should put in place formal alert and escalation procedures based on accurate and speedy information coming from programme, legal, viewer and media sources including an agreed procedure to bring together an appropriate group to manage crises.

Summary

We are encouraged by the seriousness with which this review has been treated and the commitment to learning from it that we have encountered amongst all those we have spoken to. We believe that the Channel is committed to action as a result of this review, and that the actions taken, if they follow our recommendations, will improve the way that programmes are made and give viewers, the media and stakeholders a better understanding of the intentions underlying the Channel's commissioning and broadcasting decisions.