

ITV REVIEW:
PHILLIP SCHOFIELD AND OTHER CONCERNS
ABOUT “THIS MORNING”

INTRODUCTION

1. I have been appointed, by Instructions and Terms of Reference dated 8 June 2023 (the “**ToR**”) provided by solicitors CMS Cameron McKenna Nabarro Olswang LLP (“**CMS**”) on behalf of ITV Plc (“**ITV**”), to conduct a review of various matters set out in the ToR (“**the Review**”)¹.
2. Key issues in the ToR for my consideration were the steps taken to look into rumours of a relationship between Phillip Schofield (“**PS**”) and a runner on “This Morning”, Person X (“**PX**”), as well as the way in which ITV handled other concerns raised about the show “This Morning” (“**TM**”).
3. I have responded in detail to each issue raised in the ToR in a confidential report to the ITV Board of Directors (“**the ITV Board**”). This document sets out the methodology applied to the Review, a summary of my findings and my recommendations.

OVERALL METHODOLOGY

4. There was no complaint or grievance to provide the “jumping off point” for this Review. I therefore based my initial inquiries on factual issues arising from the ToR. From that foundation, I sought further information by an iterative process, seeking out documents and individuals as their relevance became apparent.
5. My main sources of information were interviews with people I considered likely to have relevant input, answers to written questions, and documents requested by and/or provided to me by CMS and interviewees.

Interviews

6. I selected interviewees based on my assessment as to who would be likely to possess relevant information. As work progressed, I interviewed additional individuals who I thought might throw light on the relevant events. Some people were named by interviewees who had already cooperated, others had made public statements suggesting they had personal knowledge of relevant matters. In addition, some approached me directly or made themselves known through ITV. The range of people interviewed included senior and junior ITV staff, former ITV staff, on-screen personalities and those involved in managing on-screen talent.
7. As this is not a statutory inquiry, I had no power to compel people to cooperate with the Review. All who did participate did so voluntarily. A number had questions or concerns about how the information provided to me would be used and whether their details would become public. I deal with this below, under the heading “Confidentiality”.

¹ The ToR are appended to this document.

8. I carried out 55 interviews, speaking to 48 people in all (seven twice). In each case, the interviews were attended by a professional transcriber. A transcript was subsequently provided to me which I, in turn, provided to the relevant interviewee. Each of the interviewees had the opportunity to make amends or corrections if they wished to do so.
9. Some people refused to cooperate with the Review. Regrettably they included both PS and PX:
 - 9.1. A letter from PS's solicitor, Jonathan Coad at Coad Law, dated 4 August 2023, stated that PS "*reluctantly decline[d]*" my invitation to participate in the Review because of the risk to his health. I am informed that PS's mental health has since deteriorated.
 - 9.2. As to PX, by an email from solicitors Mishcon de Reya dated 10 August 2023, I was informed that PX wanted to move on with his life and was not prepared to assist with this Review. I inquired again on 24 October 2023. I received an email from Mishcon de Reya on 1 November 2023 stating that PX had already made his position clear.

Notwithstanding the lack of participation of PS and PX, I have been able to respond to the matters raised in the ToR.

10. A small number of people who cooperated with the Review would speak only if they could remain anonymous, alternatively on the basis that the information given by them would be non-attributable (either entirely or in part).

Answers to written questions

11. One individual supplied some written answers to written questions, rather than attend an interview.

Documents

12. Documents were provided to me by CMS, on behalf of ITV, as well as by individuals.
13. In relation to the former:
 - 13.1. I requested specific documents; categories of documents that seemed to me to be material; electronic searches of mailboxes and mobile devices (including of senior management at ITV), and other information and data relevant to the Review. Documents were shared with me where they (i) related to the ToR and (ii) either supported or adversely affected the position of any party.
 - 13.2. In circumstances where legal privilege applied to documents, information or other data, CMS provided such documents, information and data on a limited waiver basis where appropriate and necessary.
 - 13.3. Personal or commercially sensitive information was redacted where it was not relevant for the purpose of the Review.

- 13.4. Data was generally provided to me by CMS via secure transfer sites. The information was encrypted and password protected.

Approach to evidence

14. In making the findings of fact in this Review, I have determined the likelihood of events on the balance of probabilities.

Confidentiality

15. Protocols agreed with ITV for the Review emphasised the importance of confidentiality: that has therefore been a central principle of my work and of maintaining the integrity of the Review. As indicated above, there are a number of aspects of this Review which are highly personal and private to various individuals (not just PS and PX, but also others who participated or about whom information was provided to me).
16. I have been mindful of individuals' privacy and the importance of encouraging people to speak up. It was crucial for those cooperating with the Review to feel comfortable raising concerns and to know that their personal, private and/or confidential information would not be disclosed unnecessarily. I provided some assurances in this regard to those I interviewed. I am confident that I have been able to respond to the ToR and summarise my findings without disclosing such information publicly.

SUMMARY FINDINGS

17. As stated at paragraph 2 above, there were two headline points for me to consider in this Review: (i) the adequacy of the steps taken by ITV to look into the rumours that PS was in a relationship with PX, and (ii) the appropriateness of the way in which ITV dealt with other complaints and concerns raised about TM.
18. While straightforward to state as issues for consideration, both aspects of the Review required an extensive inquiry into relevant facts spanning a number of years. The detail in relation to each aspect is dealt with in my confidential report to the ITV Board. However, my key findings can be summarised as follows:

PS and PX

- 18.1. ITV's management made considerable efforts to determine the truth about an alleged relationship between PS and PX following on from the publication of a story in The Sun newspaper in early December 2019. However, in the face of the denials of the individuals involved, ITV was unable to uncover the relevant evidence until PS's admission in late May 2023.
- 18.2. It is clear that PS's patronage assisted PX in the early days of his time at ITV but, beyond this, PX seems to have made his way on his own. I am satisfied that PX's promotion to a role of production secretary on another Daytime programme had nothing to do with PS. Further, the only agreement between ITV and PX under which he was paid any settlement sum was a standard agreement ending the employment relationship dated 31 July 2021. After the story broke in 2019, ITV tried to do everything it could to help PX and provided significant additional support to him, even in May 2023 despite his employment having ended.

- 18.3. Only one person to whom I spoke had any knowledge of an affair between PS and PX prior to May 2023 (they became aware in 2021) and that former junior employee did not report their knowledge at the time. Nor did others report suspicions from much earlier in 2017.
- 18.4. This leads me to emphasise in my recommendations below the importance of junior employees at ITV having the confidence to raise concerns to management in line with ITV's "Speaking Up" policy. I have no doubt that senior management are absolutely wedded to the importance of an open culture. But this culture is still not filtering down to junior employees, many of whom remain convinced that to speak out will have a detrimental impact on their careers.
- 18.5. I also suggest, among other recommendations, that ITV take the opportunity to set out clear guidelines for its talent going forward to ensure that good behaviours are observed even by those who are household names.

Complaints and other concerns

- 18.6. In relation to ITV's approach to HR complaints and concerns in TM/Daytime, I considered nine complaints since 2016 and eight diverse concerns articulated in response to the fact of this Review.
- 18.7. As a result, I find that ITV seeks – and succeeds in large part – in applying its policies and procedures appropriately to issues which are raised. ITV's Disciplinary, Grievance and Freelance Complaints procedures also seem fit for purpose and to work well in practice. But, again, the complaints and disciplinary processes would function much more successfully if people were more confident to air their concerns in the first place.
- 18.8. I also suggest, in response to issues raised by contributors to Daytime's shows, that more open, direct and straightforward communication with freelance talent is desirable to ease working relationships going forward.

RECOMMENDATIONS

19. Based on my findings in this Review, summarised above, ITV should consider:
 - 19.1. Making increased efforts to ensure that TM/Daytime embraces its "Speaking Up" policy at every level. In particular, managers should ensure that all staff know there is a safe space to complain or raise concerns. No-one should be worried that their job will be at risk because they have raised an issue.
 - 19.2. Reviewing the structure of TM/Daytime to ensure close and centralised control of both production and editorial.
 - 19.3. Revisiting the HR structure and increasing numbers of personnel where necessary.
 - 19.4. Centralising information on employees and promoting the keeping of written records.

- 19.5. Ensuring its “Talking Performance” appraisal system is fully implemented and that performance management is prioritised.
- 19.6. Publishing a talent “charter” setting out key standards ITV expects to be upheld.
- 19.7. Putting in place a process under which there is more open and direct communication with freelance talent.
- 19.8. Clarifying the routes for handling complaints raised about or related to ITV talent.

CONCLUSION

20. I am grateful to all those who have contributed their time and effort to this Review including contributors, employees and freelancers at ITV, past and present, and senior management at ITV, together with CMS, who were committed to my obtaining the broadest access to personnel and documents.
21. I hope that these findings and recommendations prove helpful to the business and to those dealing with ITV going forward.

JANE MULCAHY KC

Blackstone Chambers

7 December 2023

**Terms of Reference for Jane Mulcahy KC's Review in relation to matters concerning
Phillip Schofield**

1. To determine and set out the steps taken by ITV in 2019 and 2020 to look into the rumours that Phillip Schofield was in a relationship with a member of the Daytime production team ("Person X").
2. To consider and set out whether these steps were appropriate and adequate in the circumstances, taking into account applicable/relevant policies and procedures in place at the time and having regard to any legal duty of care owed to Person X by ITV.
3. To review the engagement, recruitment, promotion and wider treatment of Person X at ITV and the extent to which Phillip Schofield had any involvement in any aspect of this and, if he did, how appropriate that was.
4. To determine whether ITV acted appropriately towards Person X in the period between the time ITV took steps to look into the rumours and Person X's departure from the business.
5. Any further specific allegations or concerns arising during the period of Ms Mulcahy's Review relating to Phillip Schofield concerning his tenure at ITV up to 26 May 2023 will be brought to the attention of Ms Mulcahy and considered and included in the Review as she considers appropriate.
6. To review complaints raised since 1 January 2016 by employees or freelancers working on This Morning, and consider whether the steps taken to address those issues were appropriate and adequate.
7. To consider and advise on the appropriateness of the policies and procedures in place at ITV in relation to incidents of this type then and now, and whether those policies and procedures could be updated to respond better to similar issues in future.
8. To ascertain what lessons there are for ITV for the future arising from these matters.
9. If during the course of the Review, information arises which does not fall within the parameters of these Terms of Reference but which Ms Mulcahy otherwise considers to be of specific concern or note, she will bring such matters to the attention of ITV.