



Executive Complaints Unit

CAS-7550102

Mr Henry Shelford
CEO ADHD UK
Email: henry@adhd.uk

14 August 2023

Dear Mr Shelford

Panorama: Private ADHD Clinics Exposed, BBC One, 15 May 2023

The Executive Complaints Unit has received 28 complaints about this programme, many of which made similar points. In order to make the most effective use of the BBC's resources, I am providing you with a reply which engages all of the points made in these complaints, and which will also be provided to other people who have written to us. This may mean that part of my response may deal with matters which you did not yourself raise. I hope nonetheless that the answer satisfactorily deals with your concerns.

I will summarise the various points of concern

- 1) The programme focussed on a small number of private clinics and did not subject NHS provision to the same level of examination. It should have compared NHS consultations with the private sector.
- 2) It should have included the testimony of patients with positive experiences of the private sector
- 3) The evidence basis for the investigation was too small to justify the lengths to which the programme went, in particular in carrying out secret filming
- 4) **Panorama** breached privacy when making the programme by individually approaching ADHD sufferers who were part of a restricted social media group
- 5) The comparison with the NHS was unfair because the health service representative, Dr Mike Smith was aware that he was being filmed, and the duration of his consultation with the reporter was untypically long.
- 6) The reporter presented differently to the private clinics than he did to Dr Smith.
- 7) The description of the stimulants typically prescribed to ADHD sufferers as "*powerful drugs*" is misleading.

- 8) Following the broadcast some people report that their NHS prescriptions under “*shared care*” have been withdrawn, potentially causing harm to patients.
- 9) That overall the programme had the effect of undermining people who have ADHD by casting doubt on the reliability of diagnoses, causing them to suffer stigma.

I have investigated these concerns in relation to the BBC’s Editorial Guidelines on due accuracy and due impartiality, due meaning “*adequate and appropriate*” in the context of the output, and in respect of 4, the guidelines on Privacy.

Taking the first three points together, I note that the programme team were initially alerted to the issue by an email to **Panorama** from a mother whose daughter had been diagnosed with ADHD and then prescribed drugs after around 40 minutes of consultations. It stated that owing to “*a big rise in adults asking to be assessed*” patients were turning in significant numbers to licensed private practices and as part of the Government’s drive to cut waiting lists, the NHS is paying for thousands of people to be assessed in private clinics. But research revealed significant evidence that private ADHD clinics were diagnosing patients quickly and without due care, potentially leading to unwarranted positive diagnoses. There was a risk that this in turn would lead to the prescription of drugs to treat the condition which might be harmful to the patient. This led to further information gathering, and the *prima facie* evidence discovered was spelt out in the programme by reporter Rory Carson:

We have spoken to dozens of patients and former employees and they say that almost everyone who goes to a private clinic ends up with a diagnosis of ADHD.

The programme team considered that evidence was needed to assess these claims and show the results to viewers. It was judged this was in the public interest due to the potential harm to patients of incorrect diagnoses. This is in line with the BBC’s guidelines on secret recording:

When considering who it is appropriate to secretly record, we should take account of legitimate expectations of privacy and the public interest. The subject to be recorded should normally be the target of any investigation, against whom there is prima facie evidence of wrongdoing or intended wrongdoing. Any attempt to secretly record people who are not involved in committing the behaviour under investigation, especially vulnerable people or innocent victims of the behaviour, will need a strong public interest justification – the ends (i.e. the seriousness of the wrongdoing being exposed) should justify the means.

In the view of Dr Mike Smith, who is a NHS Consultant Psychiatrist specialising in neurodevelopmental disorders, the potential scale of misdiagnosis is a matter of concern, as he explained in the programme:

Thousands of these assessments are taking place and when you think about the scale of the number of people that potentially might have received an incorrect

diagnosis and might have been started on medications inappropriately the scale is... is massive.

In my judgment the evidence available to the programme team was sufficient to justify filming some private consultations without the knowledge of the practitioners. It has been suggested that for comparison the programme team should have filmed NHS consultations secretly. However they did not possess prima facie evidence of inadequate procedure in the NHS, to justify carrying out secret filming.

It should also be noted that the purpose of filming the reporter's consultation with Dr Smith was to demonstrate good practice [guidance](#) to assist viewers in assessing the performance of the private practitioners shown in the programme. It was not intended to represent the standards experienced across the NHS. The programme also made it clear to viewers that some private practices do provide an appropriate level of service, while exposing a problem of poor standards in a significant number.

Following the investigation, footage of the undercover filming of the assessments featured was shown to two consultant psychiatrists who lead specialist NHS adult ADHD services. They told the BBC independently that they revealed inadequacies in procedure which could undermine the reliability of diagnoses.

Moreover, two of the three clinics admitted failings in the prescription of medication. They were presented with evidence that Rory Carson had been given drugs without receiving proof of identity or address, nor having their potential side effects or possible long term impact adequately explained. After transmission, Harley Psychiatrists said it accepted that the BBC reporter *"should not have been able to obtain a prescription"* and updated its processes. ADHD 360 told the BBC that *"its prescription policy was regrettably not followed"* and its *"procedures have now been reviewed."*

The ECU has reviewed the programme and been informed of the views of the two experts mentioned. It has also noted the admission of failings by two of the three private clinics. There seems to be little doubt that the programme exposed failings within the private sector as it set out to do and that this was in the public interest. The ECU has also reviewed all of the interviews with the private practitioners who were filmed for the programme, in response to possible suspicion that the reporter might have presented differently in the different interviews. Rory Carson was asked many more questions by Dr Smith but it cannot be said that the answers he gave to questions were significantly at variance in a way which might have misled the interviewers.

In relation to approaches made to ADHD sufferers, the ECU has made inquiries of the **Panorama** team. Rory Carson did not join an ADHS support group but a researcher for **Panorama** did and gathered some information which was supplied to Mr Carson. When approaching individuals who were members of the group Mr Carson made it clear that he was working for **Panorama** on the subject of private ADHD clinics and gave his name. The BBC's Editorial Guidelines require, under Fairness to contributors and Consent, that:

We will be open, honest, straightforward and fair in our dealings with sources, contributors, potential contributors and audiences unless there is a clear public interest in doing otherwise, or we need to consider issues such as legal matters, safety, or confidentiality.

The ECU has concluded that **Panorama**'s purpose was in the public interest and, in view of the very large number of members of the group, any expectation of privacy was limited. The research and the approaches to possible contributors were therefore consistent with the BBC's editorial standards.

I turn to the question of the drugs prescribed to Mr Carson, and to patients diagnosed with ADHD. As the NHS [explains](#) the most common drug prescribed to patients with ADHD is Methylphenidate which works *"by increasing activity in the brain, particularly in areas that play a part in controlling attention and behaviour"*. Side effects are given as *"a small increase in blood pressure and heart rate, loss of appetite, which can lead to weight loss or poor weight gain, trouble sleeping, headaches, stomach aches, feeling aggressive, irritable, depressed, anxious or tense"*. The term *"powerful"* is not a scientific description but would not significantly mislead viewers unfamiliar with the drug's effects. Moreover prescriptions could have unforeseen effects on individuals when they are based on incorrect diagnoses. As Dr Smith comments in the programme:

If people are started on medication when they haven't got the condition, firstly it can make other conditions worse, other conditions like psychotic illnesses or bipolar disorder, but also just merely being exposed to that medication can be risky for people. So, unnecessarily being exposed to that medication is dangerous.

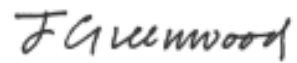
Turning to the final points, Panorama accepts that in some cases patients diagnosed privately with ADHD have had their prescriptions called into question. In some cases the arrangements under "Shared Care" in which prescriptions can be provided through the NHS have been interrupted. Set against that is the possibility that a number of patients may have been mis-diagnosed and are therefore receiving inappropriate medication.

Sometimes journalistic investigations on matters of public interest may arouse concerns which call into question processes and practices intended to benefit people in need. This may on occasion lead to action by professional providers which affect individuals, but it is not the responsibility of the BBC to anticipate the effects of its journalism in cases like this and it cannot be held responsible for decisions or actions taken by third parties.

Some correspondents have expressed concerns that the programme might lead to ADHD sufferers being stigmatised as a group. Although it highlighted inadequacies in some diagnostic procedures it was evident from the evidence of Dr Smith that ADHD is a condition which troubles many people and deserves careful treatment. The ECU therefore does not share these concerns.

For the reasons given above the ECU is satisfied that the programme met the BBC's editorial standards in relation to due accuracy, due impartiality and harm, and it is therefore not upholding your complaint.

Yours sincerely

A handwritten signature in black ink that reads "J Greenwood". The signature is written in a cursive, slightly slanted style.

Jonathan Greenwood
Complaints Director