

DIRECTORS UK/BBC CREATIVE RIGHTS AND RESPONSIBILITIES (FACTUAL)

INTRODUCTION

The principal Director of every television film or programme under UK law is a joint author and copyright holder of the work with the production company. Directors UK and the BBC are signatories to the UK Rights Agreement under which the director will assign their copyright to the BBC in consideration for the payment by the BBC of a licence fee to Directors UK.

The Director's function is to contribute to all of the creative elements of a programme or series of programmes and mould and integrate them into a cohesive editorially complete and satisfying whole.

Bearing in mind the proliferation of directing roles in factual television and the differing job titles between the BBC and the independent sector, the spirit of this agreement will also apply to, Producer/Directors, DV Directors, Location Directors, Edit Directors and Studio Directors and any person who is the designated or *de facto* principal Director of a programme as each is called on to contribute to all of the creative elements of a film or programme and mould and integrate them into a cohesive editorially complete and satisfying whole and therefore fulfils the role of "Director".

This agreement will apply to all Factual programmes from any BBC department or site with the acknowledgement that the role of Director varies across Factual output depending on the genre, format and team structure.

To assist with understanding the impact of these variations we would divide Factual output into the following 5 areas:

Factual Documentaries (single films) – Diver & His Dad, Wounded

Factual Magazine – (film inserts) The One Show, Bang Goes The Theory, Crimewatch

Factual Strand – (single films within a series) Horizon, Imagine

Factual Series – (films across a series) Ancient Worlds, Brands, How To Build

Factual Entertainment – (formats) The Restaurant, Top Gear

CONTRACT

Directors will be contracted using the BBC's agreed standard Director's contract and both Production Managers and Directors should operate within the BBC guidelines on freelance contracts.

Where a Director is performing a substantial additional role over and above those normally expected of the Director role for the type of production concerned, an appropriate additional payment should be agreed upfront with the Production Manager.

Where a Director has had significant input into the creation of format points of the first series of a formatted programme they can negotiate remuneration should a subsequent series of that programme be commissioned. Such negotiation should take place prior to the completion of that first series and must be agreed in writing with the Exec Producer and Production Manager.

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DISCLOSURE OF INFORMATION

Shared knowledge between the Director and the production company is vital to efficient programme-making. The Director must, at the start of engagement, be given access to all relevant correspondence and verbal agreements between the producer and broadcaster on programme content, style, editorial and creative ambition; arrangements already made with presenters, other on-screen talent or programme participants; co-production obligations and editorial specification.

KNOWLEDGE OF THE BUDGET

The Director should be given the complete budget for the programme or film they are working on, and an understanding of the budget of the other programmes or films in the series. They should understand the editorial and creative requirements and be consulted on any changes throughout the production in order for the Director to use resources effectively and save unnecessary costs. In return, the Director will be able to give an informed commitment to delivering on time and on budget according to the creative brief at the point of engagement.

PRODUCTION TEAM

The Director should be informed of any production team members and technical crew already agreed prior to engagement and once on the team, discussions would take place with the Director, Exec Producer, Series Producer, Production Manager and Talent team on the selection of remaining key staff and technical crew.

SCHEDULES

Prior to engagement the Director must be shown and consulted on the proposed production schedule. The Director must be consulted on any changes to the schedule throughout the production and be able to propose changes. The Producer will pay due regard to the Director's views and act in good faith on any comments of the Director on the production schedule for the purpose of using resources effectively, saving unnecessary costs, deciding how much time and resources should be apportioned to the stages of pre-production, production, and edit and ensuring that the schedule can be achieved safely and practically. The Director would work closely with the Series Producer and Production Manager to ensure that the schedule was achievable given the budget and delivery dates that would be in place.

POST-PRODUCTION

Prior to engagement the Director must be shown and consulted on the post-production schedule. The Director must be consulted on any changes to the schedule throughout the production and be able to propose changes. The Producer will pay due regard to the Director's views and act in good faith on any comments of the Director. The Director will be notified of any fixed viewing dates with commissioners. The Director should be able to spend the first 60% of the post-production period making an undisturbed a "rough cut" of the film, according to the agreed editorial aims of the production before a first viewing with the Executive Producer.

RE-EDITING

If in the event of a re-edit occurring after the Director has left the production, the Director should have the right to see the final programme and the right to make comments, with the Exec Producer taking proper account of the Director's comments in good faith. The Director shall have the right to take their name off the credits if necessary.

PUBLICITY AND CREDITS

The Director is entitled to have the first or last credit on the roller. The Exec Producer has the final sign off for on-screen credits.

QUERIES AND ISSUES

Queries and issues arising from the operation of this document should, in the first instance, be dealt with directly between the director (and/or their agent) and the relevant Head of Talent or equivalent in the BBC department or site.

Any issues or queries that cannot be resolved in this way can be referred by a director (and/or their agent) to Andrew Chowns at Directors UK, who will attempt to resolve the issue with Ian Critchley at the BBC.