

Working with Writers: A Good Practice Guide for TV Programme Makers

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Working with Writers

A Good Practice Guide for TV programme makers

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The most important single element in any drama or comedy production is the script. The script, therefore, and the person who creates it, should both be handled with care.

Here are some thoughts on how to achieve a productive and mutually beneficial relationship with the person without whose efforts no one else would be working: the writer.

1. Ideas and Storylines

The working relationship between a writer and a producer or script editor begins with an idea. Since there is no copyright in ideas, you do not have to pay for them. It is only when an idea becomes a storyline that payment has to start.

Unsolicited storylines come free. So, too, do brief outlines, which put down on paper the gist of an idea in which you have expressed an interest. If, after discussion, you ask a writer to prepare a full storyline to test the development of an idea, this is a storyline commission and you are bound by Writers' Guild agreements to pay for it. You should also be clear about the level of detail required, e.g. an overview of the episode, a summary detailing each Act, or a full Scene by Scene breakdown?

If you decide to proceed to a full script, the storyline payment is deducted from the writer's fee, so you will have lost nothing. However, if you do not proceed to script, the entire copyright in the storyline remains the property of the writer, and you may not use it in any way. You have paid only for the writer's time; you have not bought the storyline. (The exception being BBC long-running series, for which the BBC may buy out all rights in a storyline for a formatted series for 50% of the outstanding balance of the fee.)

When you receive a commissioned storyline, please give a response as quickly as possible. It is unprofessional to make a writer wait for long periods while you accumulate other stories and ideas from which to choose. The producer should agree a deadline for all submissions, and a reasonable response time – ideally no more than six to eight weeks – for subsequent consideration.

2. Outlines and Treatments

High-end series (e.g. 2 x 60', 90', or 120' episodes) are prestigious and highly sought-after commissions. The rewards can be high, but the development process is correspondingly long and arduous. A high ratio of outlines to available slots is often solicited in the first instance, so competition is tough. If medical, legal, or other professional detail is required to demonstrate the strength of a story, research will need to be carried out in the early stages, even to complete this initial outline – which is often written (and rewritten) on spec.

If the writer is then commissioned to progress to the next stage of the selection process, a treatment for a plot-driven crime story, for instance, may amount to a 40-page scene-by-scene. This is a very substantial piece of work, which can take several months to draft and redraft, and should therefore be suitably recompensed.

Long-running series now pay 25% of the script fee for the treatment, which acknowledges that the bulk of creative and structural work occurs at this early stage. Treatments for high-end series (currently paid at **not less than** 10%) should ideally be brought into line with this.

The producer should set a clearly defined time limit for the development process, after which treatments will be commissioned to script or rejected; there should also be a clear limit to the amount of work a writer may initially be expected to do for free.

3. Paying for Original Ideas

Or to put it another way, you don't own it till you own it. If a writer has pitched an original storyline or format for a new series to you, and you like it and want to use it in any way, shape or form, you have to pay for it.

Too often recently writers are told, "What a wonderful storyline and / or series idea! We love it. But we just want you to know, by amazing coincidence, that A.N. Other came up with almost an identical idea, so we won't be able to use yours." And then the writer sees his or her idea on the screen.

Certain ideas are in the ether and very much a part of our zeitgeist. Some of us do have similar ideas at the same time. But the number of times this is happening to writers currently is of great concern. If you like someone's idea well enough to proceed to script or series (even if you want another person to write it) you must pay the original writer for the storyline or format idea in accordance with WGGB agreements.

4. Commissioning the Script

When you do commission a script – whether from a storyline or from scratch – try to discuss the idea as fully as possible with the writer. Inadequate discussion can lead to misunderstandings and unfulfilled expectations.

If you and the writer are working together for the first time, it might be useful to Google each other in advance, to familiarise yourselves with each other's previous output.

It is also imperative for producer, script editor, and commissioning executives to achieve consensus on the basic story elements at this stage. Unless you are prepared to give the writer complete freedom and to stand by whatever they deliver, you must set clear parameters. If you are not empowered to sign off on story elements, please refer the idea, as soon as possible, to the producer or senior executive who is. The aim is to achieve a clear brief, against which you can judge the first draft of the script.

5. Trial Scripts

Some long-running series or serials commission trial scripts. The terms vary, but a few principles should be adhered to:

In order to increase access to new writers, there may be a case for a writer with no produced credits to undertake a trial script for no fee, or for expenses only – if there are genuine opportunities to gain a first break on that show, and if there is sufficient editorial input and support to develop and judge a writer's promise fairly.

If you wish to commission a trial script from an established writer, to test their suitability for the style or “voice” of your show, you should offer an appropriate fee for their time. The writer’s technical ability is already proven; the trial is for your subjective demands, therefore it is only fair that you should pay at least a flat fee.

In either case, you should be prepared to give a detailed briefing and constructive feedback. There should be a clearly defined time limit/ number of drafts for the work, and you should inform the writer promptly whether or not they have been successful in gaining a fully paid commission. Do not promise (or hint at) a paid commission, if you know there are no slots available.

6. Work in Progress

During the weeks a writer is at work, try to maintain friendly contact. You should have agreed a realistic deadline. Most writers appreciate a call or two in the meantime, to share ideas and work through any problems. Some, admittedly, may need prodding to keep to a schedule; others, however, can be thrown by too much pressure, so please try not to pester.

If you are working on a long-running formatted series, serial storyline strands are often changed for reasons that neither you, nor the writer could have foreseen: e.g. if an actor is taken ill, or a new character is being introduced. This is an accepted part of the process. However, endless major storyline changes can place unnecessary stress on all parties and result in a poorer script. Changes should only be made if there is a strong reason, agreed at senior level; and the sooner the writer is informed, the easier it will be to accommodate them.

It’s important to talk through the implications of any series storyline changes. A seemingly small change can have unexpected knock-on effects that need to be addressed by you as a team. Equally, a seemingly huge, unwelcome change can alter a script for the better. If the writer has misgivings, don’t automatically discount them – remember each episode needs to work as a stand-alone piece, as well as part of the series. The

writer can often find an alternative solution, especially if he or she has a good editor or producer to act as a sounding board.

Unless the writer has missed the deadline, do not pressurise them into submitting a partially written or incomplete script. Writing is not always a linear process and many writers will revise earlier scenes in light of new elements of theme, plot, or character that emerge in the script's later sections, or will restructure as they go along.

7. Delivery

When the script arrives, always send an immediate acknowledgement, by phone or e-mail. If you are away, your support staff or covering colleague should confirm safe receipt, and ensure that you see the draft as soon as you return. If the writer has delivered personally, by hand, you should still send a formal note of acknowledgement for the record.

Please check the writer's payment schedule and inform the contracts/finance department of any fees triggered by the respective stage of delivery.

Contractually, you have a limited period of time to decide whether the script is acceptable, and whether revisions are required. The timescale varies, according to which agreement is involved, but if you exceed the limits you may find that you have accepted the script by default or have to pay extra for rewrites. Therefore, it is both courteous and to your advantage to give the writer the earliest possible response.

Most writers work from home, and are dependent on you for even the most basic information; unexplained silence after delivery of a draft can provoke anxiety. If you know after your first reading, or first conversations with the supervising producer, that the script has generally met with approval, please call or message the writer to say this. You can follow up later with notes.

If you are working on a formatted long-running series, and the script therefore needs to be read by the series editor and producer, explain the likely timescale, and let the writer know when you'll be able to provide a full set of notes for the next draft.

8. Notes

Be positive – and honest, without being brutal. Use tact and diplomacy, but do not mislead or keep a writer in suspense longer than necessary, simply because you find it hard to be the bearer of bad news. If you do not like the script, then say so, and explain why.

Conversely, do acknowledge successful elements; the writer will not take it for granted that you like everything except those specific points you criticise. Remember that morale is important. Try to give reasons for elements you feel are not yet working, and make constructive suggestions for overcoming them. These suggestions needn't be detailed; it is often more useful to identify clearly a preferred aim, than to offer specific plot points or character beats.

An objective producer or editor can often spot weaknesses or missed opportunities in a script, which a writer will be more than happy to address for the benefit of the work. Please beware, however, of imposing changes solely for reasons of personal taste or internal politics; a script is like a knitted jumper – start pulling what seems to be a loose thread, and you may end up unravelling the entire garment.

Acknowledge that structural changes take more time and effort than rewrites within scene, and agree a revised delivery schedule in accordance. If time is of the essence, don't insist on an unrealistic wish list of notes: prioritise, to focus on essentials. This will achieve a better result. And, please, arrange prompt payment of a re-brief fee, where appropriate.

When working on a long-running formatted series, you will need to consult with your colleagues working on preceding and subsequent episodes – if this results in changes to the script that are not caused by the writer on your episode, then say so. Your candour will be appreciated.

You will also need to collate sets of notes from the series editor, story producer, executive producer and – especially on legal, police, or medical shows – professional advisors. These disparate notes can often contradict each other and it's crucial that someone takes the time to edit and prioritise them into one coherent and logical set. Remember, you are working in-house but the writer is not; they can often be unaware of the

in-house debates surrounding a series. A clear, unambiguous brief is just as important at second or third draft, as it is at first.

If the editor or supervising producer will be away on holiday, attachment, paternity or maternity leave for a significant part of the development process, please ensure that a clear and consistent editorial policy is agreed for briefings in their absence. (This period might be considered to be two weeks or more on a short form drama; more than one week on a long-running series.) It is neither efficient for the production, nor fair to the writer, if *carte blanche* is given to a covering editor to develop the script according to personal taste or interpretation of instructions, only for the results to be overturned at a late stage by the returning executive.

A pre-emptive decision should be made: is the covering editor required to implement the demands of the absentee? If so, the onus is on the latter to give a bold and unequivocal steer before departure, which must then be adhered to. Or is the script effectively delegated to the covering editor, who will be given full responsibility to sign off on the major story elements? In this case, the returning executive should be prepared to accept the result, regardless of personal taste, so long as the script is technically viable for production.

Give notes at a reasonable hour, and, if possible, precede any e-mailed notes with a phone call. If you need to e-mail notes late at night or at the weekend for your convenience, ensure that the writer still has a realistic subsequent delivery schedule – do not assume that the clock starts ticking from the click of your mouse!

9. The Accepted Script

A script is deemed to be accepted on publication of the production script. The copyright in any original script (i.e. not part of a long-running, formatted series) remains the property of the writer. It is only licensed by the writer to the production company for a limited period of time, the length of licence depending on the particular agreement under which it has been commissioned.

If, for any reason, it is deemed that alterations are required after a script has been accepted, the following terms currently apply:

BBC long-running formatted series – the BBC is entitled to make both major and minor changes, **provided that** it “shall make every effort to inform and reach agreement with the Writer regarding such alterations and **whenever practicable alterations other than minor alterations shall be made by the Writer.**”

All other BBC scripts – the BBC shall be entitled to make minor alterations “but the BBC **shall not without the consent of the Writer make any structural alterations**” (unless the writer is unavailable upon “reasonable notice” for consultation).

ITV – A Company shall be entitled to make “reasonable alterations”, but only “**to such extent as the writer may be unwilling and/or unable to carry out such alterations himself.**”

Thus, in all cases, the writer should always be informed and given first refusal to complete the work. Scripts should not be rewritten “in house” unless the writer is unwilling or unable to undertake the revisions.

Please note that alterations to a script do not begin and end with dialogue. Stage directions are an equally important and equally protected element. Television is a visual medium, so actions and shots are also a fundamental part of the writer’s work.

The writer should **always** be sent a copy of the shooting script, **before shooting** has commenced (and any pink pages subsequently issued). This may seem obvious, but it’s often breached, and with the advent of Final Draft and e-mail there’s really no excuse to exclude the writer from the circulation list.

10. The Rejected Script

Yes, it happens. Sometimes a script is rejected. So how can this best be managed?

Firstly, inform the writer in a direct, courteous, and straightforward manner, as soon as the decision to reject has been made. Do not leave

them in limbo to “take the hint”. Acknowledge the work that has been done and give credit where due, especially if the writer has undertaken a large number of rewrites due to rebriefing.

Authorise immediate payment of any monies due, or promptly contact the writer’s agent to negotiate the appropriate percentage, in the event of a shared credit. If the script is not completely rejected, but rewritten either in-house or by another writer, you should send the original writer a copy of the issued shooting script and clarify the position on credits.

If the writer has been given a confusing, contradictory, or inadequate brief, or insufficient time to complete the work properly, do not seek to blame them solely for the outcome. Ideally, a writer should not be dropped in these circumstances.

However, if it proves unavoidable, due to the production schedule, writers can be philosophical about the experience, so long as they are not personally stigmatised for failures of process. If the script is technically competent, but the writer has simply failed to anticipate the personal taste of the producer or commissioning executive, acknowledge this. Honesty will be appreciated and morale preserved.

On long-running series, if serial storylines are the underlying problem, be realistic about this: a change of writer will not necessarily improve the situation and will cost you money. It may be more productive to compromise on the serial element than to sack the writer/s in pursuit of an impossible ideal.

Similarly, if there is to be a change of direction when a new producer takes over a long-running show, it is both practical and professional to inform all the writers and explain the rationale. If regular writers are not to be recommissioned, they should be notified as soon as possible, in a courteous manner.

11. Enter the Director

Once a script has been accepted, there is a tendency – particularly in formatted series and serials – for the producer to think the writer’s part in the proceedings is finished. As the director and team take over, the script

is often regarded as just one element of the overall production. It is easy to forget that everything else depends on the script – and that is ultimately what the whole thing is about.

Regrettably, it has become common practice to keep director and writer apart: producers and editors may fear that their own authority will be undermined, or believe that the writer needs protection from the demands of the director. Either way, they do both writer and director – and themselves – a disservice. Director and writer may spark off productive new ideas together, and an hour spent talking face to face can prevent misunderstandings, promote a sense of collective enterprise, and avoid problems later.

Ideally, a writer should have the opportunity for at least one editorial meeting with the director, at a stage to be mutually agreed (with expenses covered by the production).

The script editor's function, once a script has gone into production, is two-fold: they should represent the company to the writer, and the writer to the company. They are responsible for liaison between these parties, and for keeping the writer in touch with developments. This should include copying to them any pink pages issued after shooting draft, and ensuring that the writer receives a DVD copy of the finished programme, **prior to transmission.**

12. Casting

The creator of an original work should ideally be involved in final casting sessions for their lead characters. It is surely helpful for the director and producer at least to discuss the principal roles with the person who created them. Even for a series episode, the writer may have worthwhile insights and will certainly appreciate being kept abreast of major casting decisions, having lived with these characters through some months of development.

Writers sometimes create audition scenes for guest or new characters. This is a positive move – it gives the writer greater involvement in the

production process, and again, feedback on the subsequent casting process is always appreciated.

13. Rehearsals and Filming

Current agreements state the following:

BBC – “The Writer shall have the right to attend the read-through and all rehearsals and recordings of the script (except for Doctors and EastEnders).”

The writer shall be paid an attendance fee and expenses for up to two such attendances. If the BBC requests further attendance, an attendance fee will be paid.

Long-running series such as Casualty and Holby may not have a read through, but if there is one, the writer should be informed and invited.

ITV – A Company “shall inform [the writer] of the rehearsal schedule”.

“Attendance at any read-through, rehearsal or recording in studio or on location will normally be mutually agreed between the Company and the Writer”. There is provision for an attendance allowance and expenses. Notably, **“In the absence of agreement the writer may nominate days of attendance to provide for up to a maximum of three paid days of attendance”.**

The above may be news to many writers, who can feel their presence is not welcome during production, despite the usefulness of having them to hand for any last-minute revisions or discussions. It would therefore be helpful for the script editor (or production secretary) to ensure that the writer is informed of schedules for filming and any read through or rehearsals.

The contractual rules and obligations concerning alterations to scripts apply during rehearsal and shooting as well as in pre-production. Everyone expects a certain amount of tightening or minor dialogue changes to address developments in rehearsal or on set, but the writer should be consulted wherever possible. The odd little word which a director chooses to cut or change may have a vital significance to the writer, who has spent many months developing the script as a whole.

It may seem quicker and more practical to attempt late changes (including cuts or additions) yourself, but bear in mind that the writer is best placed to maintain the characters' voices and the overall rhythm of the piece. On a series or serial, he or she will also have a clearer structural overview of that one script than a harassed editor or producer, working across several episodes at once.

14. Post-Production

Cuts and changes are often made in editing, which can alter the shape and balance of a production. Wherever possible, therefore, the writer should be kept in the loop. This may not be practical for long-running formatted series, but the writer of original material should reasonably expect to see a rough-cut and opening titles (before approval, for comment), and to hear any original music.

15. Preview Screenings

If preview screenings are held, the writer should be invited and credited alongside producer, director, and leading cast in the programme. They should also be invited to appear on any discussion panel.

16. Awards

In the same way, if an episode/series is nominated for an award, the writer should be invited to the ceremony and credited alongside producer, director, and leading cast in the programme.

17. The Finished Programme

The production team is on hand to look at the finished programme, but it is all too easy to forget that the writer is still waiting to see the result. Please remember to send them a DVD copy before transmission (this is, indeed, a contractual obligation, but is often overlooked).

The script is the one indispensable element in any production. It must, surely, make good sense to treat the person who creates it with courtesy

and consideration – not only for your current show, but for all those you will need in the future.

And finally ... a note on Writing Competitions

The Guild is always happy to encourage anything that offers new outlets to writers. But a writing competition, whether for television or any other media, cannot be an excuse for ignoring WGGB agreements or copyright law.

The same rules apply to contest scripts as they do to any other. The copyright in the entry should be owned solely by the writer who submits it unless someone commissions and pays for it.

The script should not be plagiarised, used in part or rewritten without the author's consent. A contest should be above board with fair and recognised rewards or benefits for the winner. Ideally writers should not have to pay to enter competitions.

As ever, if in doubt, please contact the Guild office and we'll be glad to help you.

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Members of the Writers' Guild and their employers can obtain further copies of this booklet and copies of the Guild's other guidelines, including *Writing Film* and *The Writing Game - guidelines for the video games industry* from the Guild office:

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